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Free Minds and Free Markets®

November 2000

THE PRESIDENTIAL IDENTITY CRISIS

The changing roles of the chief executive
By Charles Paul Freund

★ THE POLITICS OF PUBLIC INTIMACY
By Nick Gillespie

★ AL GORE'S BAD ORGANIZING PRINCIPLES
By Virginia Postrel

★ DEMYSTIFYING THE TEXAS SCHOOL "MIRACLE"

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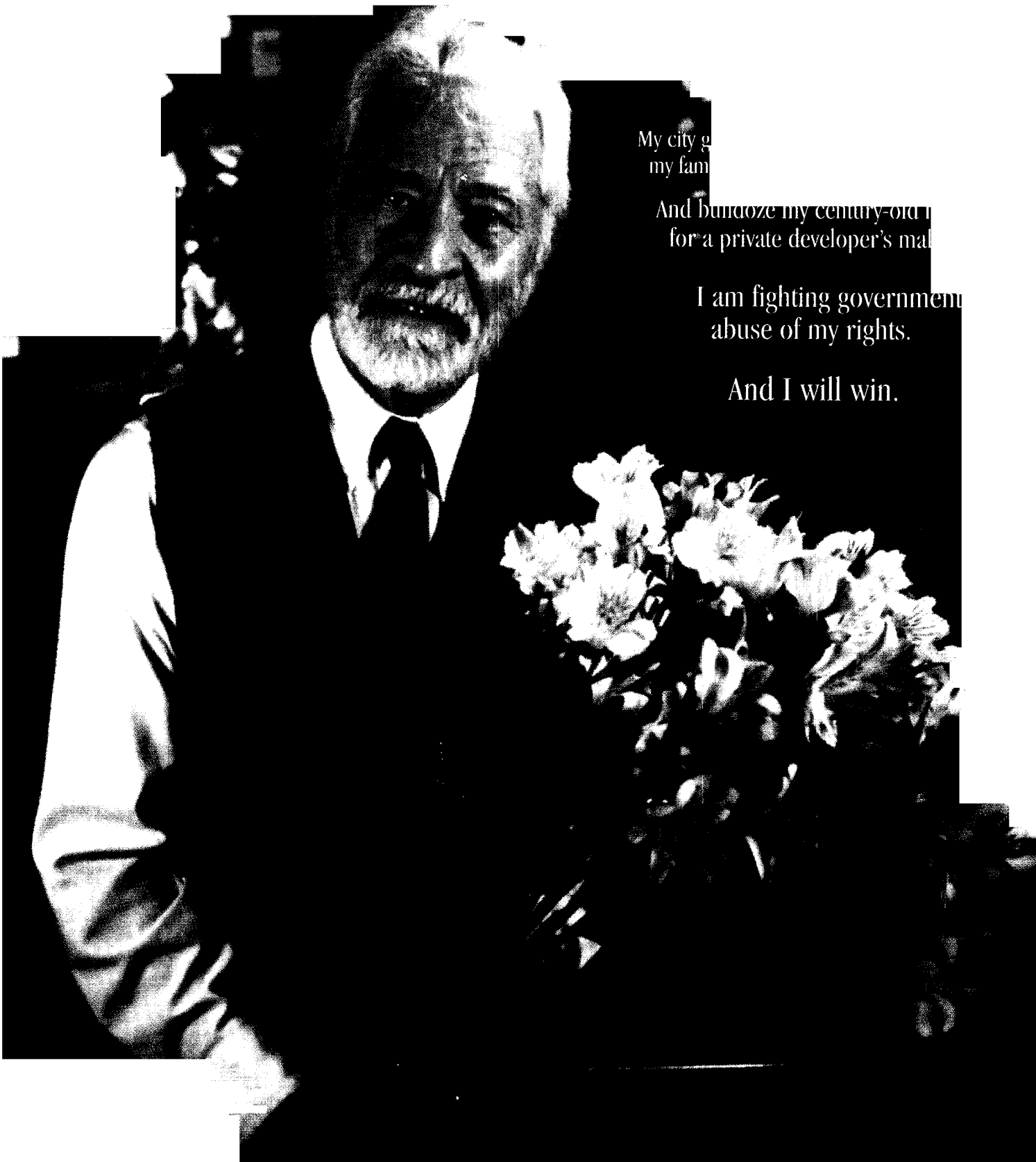

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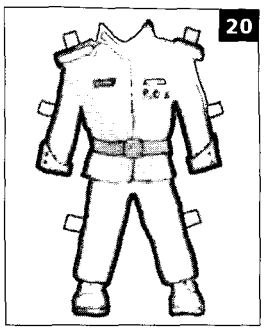

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Being Al Gore

The "real" appeal of The Kiss

By Nick Gillespie

August's Democratic National Convention in Los Angeles was memorable for reasons that range beyond what is now simply called The Kiss. While there is no doubt that Al and Tipper Gore's final-night buss—variously described as spontaneous, cynical, passionate, and nauseating, it was all that and more—provided the most enduring image of the political season so far, The Kiss was only one part of an unprecedented invitation into the private life of a political candidate.

Judging from Gore's commanding and long-lived convention bounce—a boost that put him in the lead of the presidential race for the first time—there can be little doubt that many Americans readily jumped at the opportunity for a sort of psychic intimacy with the vice president. Designed to humanize a candidate routinely called "wooden" and "stiff" even by his supporters and to distance him from Bill Clinton's seedy personal life, the final two nights of the convention, highlighted by testimonials from family members, even allowed Al Gore to wipe out a double-digit gender gap with George Bush and to create a similar margin in his own favor. Somehow, the vice president went from being an object of scorn, if not pity, to being one of electoral desire. How that happened is no small matter: Politicians, every bit as much as artists and ad men, are in the business of trying to manipulate emotions and change minds. Whenever they succeed, attention should be paid.

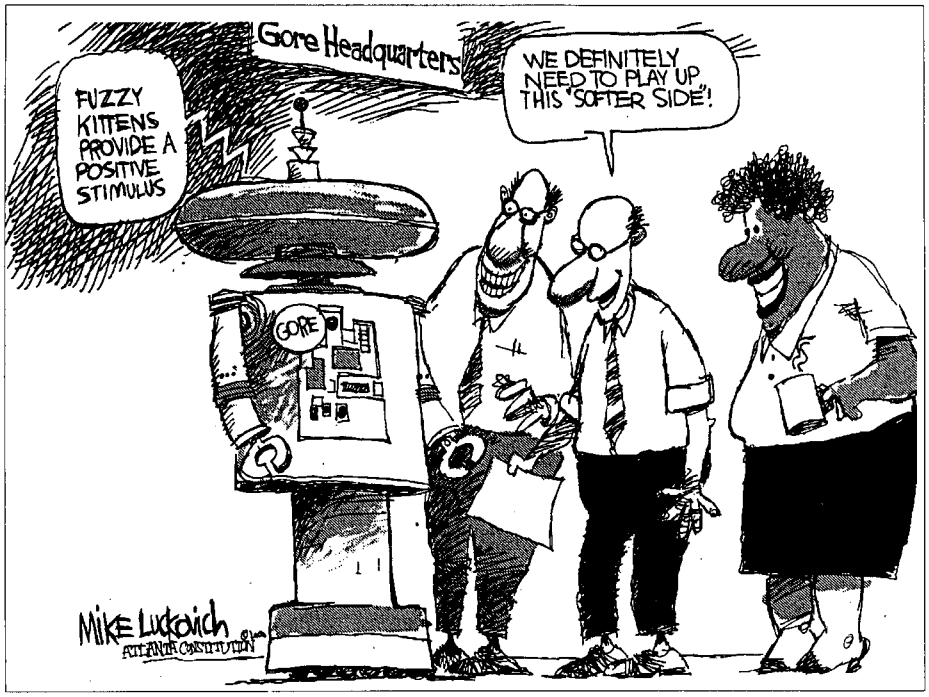
Gore's acceptance speech played a role, of course. As rhetorically shapeless as it was fiscally generous, the vice president's address flashed huge wads of government cash to virtually every segment of the voting population. (On his campaign Web site, Gore proudly details his promised payouts to no less than 28 separate interest groups.) There's no discounting the power of such potential federal largess.

But we can also chalk up a large measure of Gore's success to what might be called the *Being John Malkovich* strategy. The evening before The Kiss, the Democrats aired a "Gore Family Video" put together by hip young director Spike Jonze, best known for the wonderful film *Being John Malkovich*, a fantasy in which people pay for the chance to literally get inside the head of actor John Malkovich for short periods of time. In part a meditation on the attraction of celebrity, *Beng John Malkovich* suggests that some of the audience's deepest thrills come from simply seeing public figures in the most domestic, least glamorous, most "real" settings possible: brushing their teeth, ordering towels over the phone, reading to themselves, and the like.

We get off, in other words, on seeing a star not just backstage but completely offstage, engaged in the banal details of everyday life. Ironically, who the celebrity is may be less important than the fact of access itself; one of the film's running gags is that even as characters obsess over contact with him, no one is quite sure just who John Malkovich is.

Jonze's campaign film, about 15 minutes long and available on the Web at C-SPAN's convention archive (www.cspan.org/campaign2000), is shot in the ragged, vérité, hand-held-camera style familiar to fans of reality TV shows. It largely follows the vice president around during a visit to his boyhood "home" in Tennessee. (As is well known, Gore's main residence growing up was a Washington, D.C., hotel.) From time to time, Gore goes off on a policy jag while on camera, but most of the footage shows the vice president interacting with his mother, his wife, his children, and his grandchild in thoroughly unexceptional circumstances.

The unspoken premise of the film: We are getting a never-before-seen look behind the candidate's facade. We are seeing the "real" Al Gore, body surfing with his family this minute and dressed for Halloween as Frankenstein's monster the next. The potential leader of the free world



MIKE LUCKOVICH

shows us the bedroom he used when he was a teenager ("the bed's still not made," Gore cracks), points out a revealing self-portrait Tipper painted while pregnant (prompting her to block the camera while objecting, "Al, you're *really* showing him our house..."), and makes funny faces for the benefit of his year-old grandson (and, more important, the camera). The film ends with Gore asking one of his daughters to turn out the lights and inquiring, "Now, do you want me to get up and cook breakfast for you?"

Clearly, this is not the same Al Gore we see on the public stage, the one shaking hands at the Buddhist Temple, or mechanically repeating the phrase about "no controlling legal authority," or stolidly presiding over the Senate.

Like the media, voters want access to candidates and are ready to reward those who give it.

Later the same night, Karenna Gore Schiff seconded her father's nomination. She, too, pointedly focused not on substantive policy issues but on revealing, intensely personal matters. "I know I would be supporting my dad for president even if he hadn't raised, fed, clothed, taught, and loved me," she announced, before proceeding to "talk about my father as a father."

The telling anecdote she chose to share at length: How years before, her father had helped her and a friend build an igloo after a big snow, how "he stayed up to check on us and brought us hot chocolate there under the stars." In a foreshadowing of The Kiss, Al Gore emerged from the wings after the speech and gave his daughter The Hug—a long, intense embrace that, as her mother would say about The Kiss, Karenna averred was totally spontaneous, totally genuine.

The family testimonials continued on the last night of the convention as well. When Tipper emerged to introduce her husband, she mentioned his political qualifications only in passing. Her presentation consisted not of a traditional speech but of a "family photo album" of mostly personal pictures she'd taken over the past 30 years.

"I want to share a little bit more about Al and the life of our family," she explained, underscoring that we would see the vice president "in a way you may not have seen him before." And then, of course, after the parade of snapshots came The Kiss, an instance of ostensibly spontaneous, unmediated emotion on the part of the vice president.

The Kiss sent an obvious political message—here's a man still passionately, faithfully in love with his wife, unlike the president he hopes to succeed—that was ultimately far less important than the total openness and surrender it implied. Yes, Gore will let us watch, if that's what it takes to woo us.

Just as the media craves "access" above all else, voters too want an unmediated relationship with candidates and are ready to reward those who give it. Such a dynamic explains virtually all of John McCain's appeal, which in the end rested less upon specific policy proposals and more upon his many gestures toward "straight talk" and the "genuine."

It goes without saying, of course, that the Al Gore kissing his wife on the convention stage was in no way authentic. We should no more confuse the Al Gore of Spike Jonze's campaign film with the real Al Gore than we should confuse the character "John Malkovich" in *Being John Malkovich* with the actor himself.

But such a distinction may be effectively moot in an age of open and endless artifice. As an audience, we may care less about who Al Gore, or any politician, "really" is and instead simply appreciate the fact that he is willing—desperate even—to play to us, personally as well as politically.

Nick Gillespie (gillespie@reason.com) is editor-in-chief of REASON.

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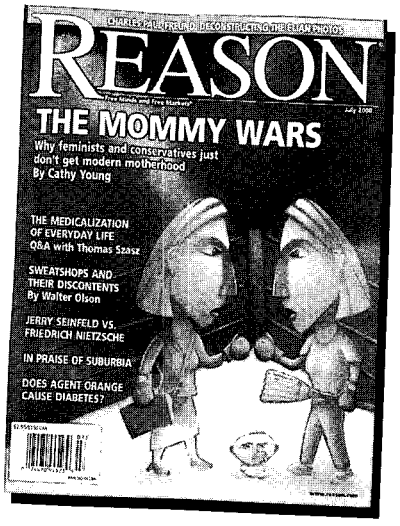
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Vouchers for Childcare

Many effusive thanks for the thrilling article by Cathy Young ("The Mommy Wars," July). On this vital issue, Young skewered both left-wing feminism and right-wing patriarchy most brilliantly.

I only wish that Young's own approach had been a little less narrowly ideological. As a libertarian, she'd like to leave childcare solutions not only to individual initiative but also to each family's bankbook—a free-market reflex that hobbles parents and kids on the lower rungs of the economic ladder.

A more democratic, common-ground solution would be to voucher childcare. Doing so would affirm that all of society has some stake in the socialization of every child, while placing control of that process in the hands of individual parents, where it belongs.

Vouchering childcare would help stay-at-home, work-at-home, and work-away parents equally. The state could bestow bonuses on care-takers—relatives, parents, professional providers—who were certifiably informed about how to keep kids safe, sated, stimulated, and sane. "Experts" could thus influence the quality of care, but individuals would still rule their own roosts.

Unlike education vouchers, childcare vouchers would not destroy a public institution; they would upgrade a private one. Young has made the real needs of parents and kids top priority when analyzing policy. Why not push their interests to the fore when designing it?

Lynn Phillips
Editor-in-Chief
Vaguepolitix
pbs.org/vaguepolitix

Mad About Szasz

Jacob Sullum's interview with Thomas Szasz ("Curing the Therapeutic State," July) impressed me above and beyond the typically sterling editorial quality of REASON to which I've grown accustomed. A free market in drugs and a coercion-free system of treating (or not treating) people with real or perceived mental hang-ups. What a concept! I found myself frantically underlining passages in the interview, something I never do.

I've always puzzled over why ideas such as Szasz's are so unthinkable to the majority of otherwise freedom-loving Americans. The only possible explanation is fear. Whenever the idea of legalizing drugs surfaces in public discourse, it seems the rebuttal is always something on the order of, "We'll become a nation of zombies!" No evidence is ever offered to support this claim, however.

In my view, a person's decision to use drugs or to abstain seldom, if ever, hinges on legal status. I know my own decision not to do drugs has had virtually nothing to do with their prohibition. People who are ambitious tend to avoid behaviors—drunkenness, drug abuse, sloth, frivolity—that they believe will interfere with the achievement of their goals. Whether or not such behaviors are illegal simply

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doesn't enter into the decision (though it may make them more clandestine in their use of drugs).

Sean Smith
Rosebug, OR

I suppose even REASON must publish some measure of nonsense, but it is regrettable that some such nonsense—namely, Jacob Sullum's interview with Thomas Szasz—may do considerable harm.

For readers who may have taken Szasz's wacky denial of mental illness seriously, and who may have relatives and friends in need of medical intervention, I would recommend Charles B. Nemeroff's "The Neurobiology of Depression," *Scientific American* (June 1998), which makes the scientific research on the biochemistry of mental illness accessible to an intelligent lay reader. Nemeroff also quotes from William Styron's memoir of mental illness, *Darkness Visible* (1990), which is the best account in English of the agonizing illness of depression.

Reasonable people can believe Nemeroff and Styron, where science and poetry converge. I urge Jacob Sullum to read them both and report his discoveries to the readers of REASON. It might even save lives and help restore some people to health.

Professor Larry L. Wade
Department of Political Science
University of California, Davis

Jacob Sullum replies: Dr. Szasz has always conceded that physical diseases can affect people's thinking and behavior. In the interview, he granted the possibility that some people who are diagnosed as, say, "schizophrenic" may be suffering from an underlying brain defect. He believes psychiatrists have not demonstrated such a defect and do not have a reliable diagnostic test for it.

Whether or not he's right about that, his critique of "mental illness" does not hinge on this issue. If schizophrenia and depression are in fact "brain diseases," then they are not "mental illnesses."

Reinforcing the Foundation

Absolutely brilliant review by Mark Goldblatt of Stanley Fish's *The Trouble With Principle* ("Shaking the Anti-Foundation," June). I have been making many of the same points in reaction to multiculturalism, affirmative action, social construction, etc., in my courses for some time now (ergo, my reaction is not disinterested). This review will definitely be among the required readings.

I do, however, have a few observations. While both divine and volcanic eruptions may be said to be based on the "law of causality," it seems to me that there is a vast epistemological chasm between the two. The former is based on faith and the latter on the scientific method. As Alan Sokal and others have made abundantly clear, the critique of the scientific method as socially constructed simply does not hold. In short, there are certain methods (principles) that are demonstrably more valid than others. The fact that social constructivists can object to "rationality" while using the Internet and flitting to conferences hither and yon boggles the mind.

As well, "impartiality" and "tolerance" are obviously not disinterested. They work and are preferable to other "competing faiths" precisely because the "interest" here extends to everyone.

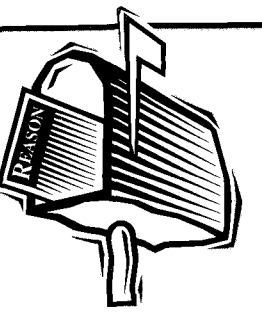
Certainly, these observations are implicit in Goldblatt's review. However, given the absolute dominance of anti-foundationalism and social constructivism in most departments of humanities and social sciences, I think they need to be reiterated as forcefully and as often as possible.

Ben Lawton
West Lafayette, IN

REASON NEWS

After more than a decade of writing every month for REASON, Editor-at-Large Virginia Postrel is taking time off to work on a book and pursue other writing projects. Her work will continue appear in REASON from time to time, and her articles for other publications will be posted on *Reason Online* (reason.com). Her final column begins on page 14.

Washington Editor Michael Lynch's Capital Letters column appears in an expanded format beginning on page 28.



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Citings

Killer Code

By Jeff A. Taylor

The First Amendment, fair use doctrine, and common sense were all casualties in the most recent decision in the Motion Picture Association of America's case against a DVD player for Linux operating systems.

In August, U.S. District Judge Lewis Kaplan found no legitimate purpose for the DeCSS program, which allows viewers to decode DVD movies and play them on computers. Kaplan fully accepted the MPAA's assertion that it was a pirate's tool and nothing more.

Further, the judge held that anyone who directly linked to the DeCSS program or described it in enough detail to allow others to reproduce it would be violating copyright law.

The court's one concession to the defendants: Kaplan ruled that the Web site which posted information on a program that could defeat copyright protection for DVD movies did not have to pay $4 million in plaintiff's legal fees.

The implications of Kaplan's decision are immense. He expressly found that writing computer code isn't like speech, which enjoys broad constitutional protections. Kaplan evidently believes that code is more like witchcraft, with dangerous, mysterious, and unpredictable powers.

"Society must be able to regulate the use and dissemination of code in appropriate circumstances," Kaplan wrote. "The Constitution, after all, is a framework for building a just and democratic society. It is not a suicide pact." So code's capacity for evil, in Kaplan's view, requires strong state safeguards.

How strong? On par with those designed to thwart assassins. "Computer code is not purely expressive any more than the assassination of a political figure is purely a political statement," Kaplan said. "Code causes computers to perform desired functions. Its expressive element no more immunizes its functional aspects from regulation than the expressive motives of an assassin immunize the assassin's action."

Kaplan also adopted the MPAA's view that there is, in effect, no such thing as fair use in the digital age. Those who want to make backup copies of copyrighted works or engage in other traditionally permitted forms of fair use would have to purchase analog copies for that.

This sweeping ruling is sure to be appealed, perhaps all the way to the Supreme Court.

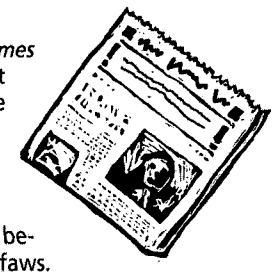
But it is already possible to discern the world that big content owners want: Ever more restrictive "copyright protection" schemes will be introduced, some of which may even harm the quality and functionality of copyrighted work. (Some sound engineers say supposedly inaudible digital watermarks planned for recorded music aren't.)

Consumers will be told that "pirates" are to blame as independent work-arounds, adaptations, and evaluations of the schemes are suppressed by waving copies of Kaplan's ruling at Internet service providers, who will have to ban the posting of such material or risk legal action.

Balance Sheet

By Jeff A. Taylor

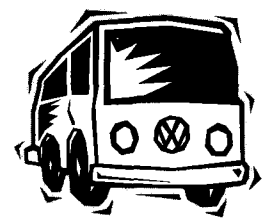
ASSETS



△ **▲ Gray Lady Down.** *The New York Times* effectively retracts a story claiming that global warming caused a North Pole ice melt. A correction notes that "about 10 percent of the Arctic Ocean is clear of ice in a typical summer" and "the lack of ice at the pole is not necessarily related to global warming." The gaffe becomes fodder for David Letterman guffaws.

△ **▲ Miss Wizard.** A 13-year-old Pennsylvania girl's Harry Potter Web site is so good that a West Coast dot-com buys it. The company links the site to the official Potter publisher's site, which understands that bringing smart fans on board is better than suing them for copyright infringement.

△ **▲ Mellow Motorists.** British government researchers find that experienced pot smokers are less likely to get in car wrecks when they are high. Four weeks of tests on driving simulators to gauge reaction times and awareness found that the stoned drivers were super-cautious and less likely to drive recklessly.



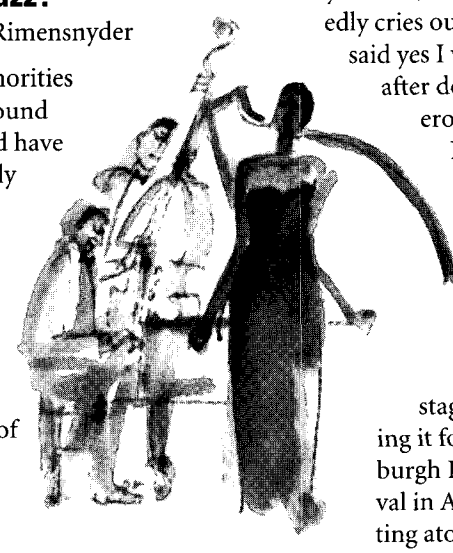
△ **▲ Speed Thrills.** Safety maven and Green Party presidential candidate Ralph Nader is safe at high speeds, rocketing down California highways in order to make campaign stops. The driver of Nader's campaign van hits 93 mph in a 65 zone. No injuries are reported.

△ **▲ Medi-Club.** New buyers' discount clubs like Medisavers help consumers stretch medical dollars by pooling buying power. Below-market prices on prescription drugs and doctor, dental, and eye-care bills can supplement bare-bones insurance plans without hefty premiums.

Love Joyce, Hate Jazz?

By Sara Rimensnyder

Authorities around the world have repeatedly banned James Joyce's masterpiece *Ulysses*, usually because of the literally climactic soliloquy of the character Molly Bloom, who unabashedly cries out, "yes I said yes I will Yes" after detailing her erotic exploits. Now Italian performer Anna Zapparoli has adapted that scene to the stage, performing it for the Edinburgh Fringe Festival in August. Sitting atop a grand



▼ **Burning Issue.** As wildfires rage, the Clinton administration moves to cut fire prevention funds for Uncle Sam's vast forests. The General Accounting Office finds that "federal fire fighting capabilities are diminished due to lack of funding."

▼ **Money Play.** More evidence that pro sports teams gobble public money with little public benefit: Economics professors at the University of Maryland-Baltimore County examined 37 cities with professional sports franchises between 1969 and 1996 and found that residents who got a new team paid for it with a net $6 decline in real per capita income. In addition, public infrastructure is usually the loser when millions are spent on stadiums.

▼ **World Nanny.** The Food and Drug Administration leans on New Zealand to reel in online pharmacies. A New Zealand court ruled in late 1999 that pharmacists could legally export medicines without a prescription. The FDA has already warned that packages from New Zealand pharmacists could be seized by our customs agents.

▼ **Naked Watch.** Police in Fort Myers, Florida, arrest four adults for lewd behavior during an "Erotic Strawberry-Eating Contest" at a local bar. Simulated oral sex, eating whipped cream off of body parts, and flashing breasts and buttocks are cited.

▼ **Baker's Dozy.** Afghanistan's ruling Taliban shuts down bakeries run by widows, saying Islamic law completely forbids women from working. The bakeries were started by the United Nations' World Food Program and allowed widows to be paid salaries to make bread that was sold at a subsidized price to other widows.

LIABILITIES

piano and accompanied by a jazz band, Zapparoli sings lyrics taken from Molly's monologue.

Not everyone's excited about *Molly Bloom: A Musical Dream*, which the festival's program listed as "adults only." Stephen Joyce, the Irish author's grandson and zealous guardian of his estate, struggled but failed to halt the production.

Joyce says it wasn't the propriety of ditties like "Song of the Big Hole" that rubbed him the wrong way. Nope, he quibbled with the idea of adapting the novel as a stage musical. His grandfather, he said, intended the passage to be the conclusion to a novel, and so it should remain. "The listener/viewer should not have their attention distracted by music [and] Molly lying on a piano," Joyce railed in a letter to Zapparoli, complaining also that she had turned the passage into a "jazz element in a jam session."

But the elder Joyce himself considered adapting *Ulysses*, among other works, for other media. In *James Joyce*, biographer Richard Ellman relates that the author spoke with Russian director Sergei Eisenstein and others about turning *Ulysses* into a film (which it was, in 1967, years after the author's death). And *Ulysses* itself was informed by Homer's *Odyssey*, which Joyce presumably read, despite the fact that the blind bard intended it for the oral tradition.

Joyce's grandson wouldn't have looked any more absurd if he had stuck to the simpler explanation he used in May, when refusing an Irish composer's request to use 18 words from *Finnegans Wake*: "My wife and I don't like the music."

Mile High Cops

By Katherine Mangu-Ward

The first obstacle to securing a position in the CIA is its strict policy against hiring anyone who has used illegal drugs. Apparently, local police do not face nearly so stringent a requirement. Jesse Katz of the *Los Angeles Times* recently obtained redacted versions of the applications filled out by Denver's 80 new police recruits last year. Fifty-two of them—that's 65 percent—confessed to prior drug use. In surveys of the general population, by contrast, only about half of 18-to-34-year-olds admit to having used an illegal drug.

One might hope that this would make the Mile High City's cops less fervent drug ▶

QUOTES

"Many of us [baby boomers] have made the surprising discovery that we now think Tipper Gore was right—we don't want our kids listening to these lyrics."
—Lydia Chavez, a University of California at Berkeley journalism professor, in "Where Is Tipper When We Really Need Her?" in the September 2000 issue of *George* magazine.

"I don't know anything about him....**I've never heard of him. Maybe I'm out of it.**"
—Tipper Gore, who spearheaded the Parents' Music Resource Center's attacks on popular music in the late 1980s, referring to controversial rapper Eminem, in the same article.

"My morals went thhbbpp when the president got oral/Sex in his Oval Office on top of his desk/Off of his own employee."
—Eminem, in the song "Criminal," released earlier this year on his album *The Marshall Mathers LP.*

BRICKBATS

◆ For 12 Pakistani soccer players, it was supposed to be a friendly game with a team in Afghanistan. The men forgot about the Taliban, the fundamentalist militia that rules the latter country. One local official was so offended by the Pakistani team's uniforms, which left much of their legs exposed, that he and his fellow soldiers interrupted the game at gunpoint. He then punished the Pakistani team by shaving their heads.

The overzealous official was arrested but not entirely renounced: The government warned visiting athletes that in the future they must abide by the nation's strict dress code, which requires long pants and tunics. The state will, however, waive the requirement that men wear beards.

◆ Thinh Pham was playing ball with children in his Dallas neighborhood when four men attacked him, knocking out four of his front teeth. Now Pham—who has the mental capacity of a sixth-grader and lives in a group home with four other disabled adults—is afraid to leave the house.

The men apparently thought he was a pedophile: His address is listed in the state's official registry of sex offenders. But Pham and his housemates simply had the misfortune of living at the address a pedophile had called home several months before. The state's sex offender list never updated the information.

warriors, but there is little evidence of this. In the past year, these zealous new recruits and their colleagues have made 6,600 arrests on drug charges.

AIDS Scare

By Brian Doherty

As an attention-grabbing headline, "AIDS Activists Call for Cutting Federal Spending on AIDS" is right up there with "Man Bites Dog." Still, some Washington, D.C.–area newspapers saw so little newsworthiness in the story that they wouldn't even run an ad that four ACT-UP chapters put together to announce their surprising position. The ad argued that government AIDS expenditures have so far been largely misdirected and scandal-ridden.

Roll Call, a newspaper that covers Capitol Hill, ran the AIDS advocacy groups' advertisement on June 22. But *The Hill*, another paper focused on Congress, and *The Washington Blade*, a gay paper, both refused to do so, claiming the ad made undocumented assertions. (The Web site www.actupsf.com does provide extensive support, mostly from newspaper articles, for the claims.)

The ad's sponsors—the San Francisco, Atlanta, Hollywood, and Toronto chapters of ACT-UP—are renegades in the larger AIDS activist community: They think that HIV is not a necessary or sufficient cause of AIDS. The ad did not discuss that point, instead stressing more typical objections to government spending, including the misuse of money from the Ryan White Act (an umbrella program name for federal AIDS money) and other AIDS assistance programs. The ad notes that $2.2 million in federal money meant for AIDS was rerouted toward political payoffs and bribes in Puerto Rico (a case that has so far led to more than 10 criminal convictions). The ad also points out that many popular AIDS drugs paid for with federal dollars have life-threatening side effects.

ACT-UP San Francisco spokesman Michael Bellefountaine says the group hasn't been able to get much support from any politicians for its specific position, which calls for redirecting AIDS funds to more general health and housing aid for any sick American. (The ad also featured a bar graph showing that AIDS gets more federal money per victim than any other disease.) "A lot of the right-wingers who might jump on defunding AIDS wouldn't jump on the overall push of the ads," Bellefountaine explains. But he also notes that some of the horror stories of fund misuse were brought up in congressional debates over this year's funding for the Ryan White Act.

Pentagon Play Money

By Brian J. Taylor

Don't know where the Pentagon is storing billions of dollars' worth of inventory—everything from

☛ "In a controversial test case, an administrative board recommended on September 19 that Leonard Matlovich, a veteran of 12 years in the Air Force and three tours in Vietnam, be discharged from the Air Force because he is homosexual. After the decision was announced Matlovich...held up a bicentennial half-dollar and said, 'It says 200 years of freedom. Not yet—it will be some day.'"

—Manuel S. Klausner, "Publisher's Notes"

☛ "[The Sierra] Club sought to challenge the Forest Service's grant of development rights to Disney for the Mineral King Valley and was rebuffed by the courts on the ground that it lacked standing to litigate the issue. ...[A law professor] proposes a quantum leap in juridical science: The Mineral King Valley *itself* should be recognized as a party with standing to seek justice in its own right."

—Davis E. Keeler, "Should Trees Have Standing?"

☛ "His devotees range from freaked-out astrologers to coolly rational astronomers, from Goldwater-country conservatives to Greenwich Village anarchists; from atheists such as Madalyn Murray O'Hair to members of the Church of All Worlds, who proclaim him a prophet and his novel, *Stranger in a Strange Land*, a holy book."

—J. Neil Schulman, "Looking at Robert A. Heinlein"

ammunition to weapon systems to medical supplies? You're not alone: Neither does the Pentagon.

Without knowing what material it already owns or where it is located, the Department of Defense is wasting billions each year buying redundant items. A full 58 percent of items "on-hand" —worth over $36 billion— are unnecessary, according to the General Accounting Office.

Several branches of the armed services lack proper inventory records, especially when material is transferred to a different location and soldiers lose track of it. Neither the Air Force nor the Army keeps adequate records of material moved or knows its value, according to recent audits. And as a result of the Navy's failure to notify inventory managers of shipments, items worth billions have been declared "lost during shipment."

The GAO also recently accused the Defense Department of gross financial mismanagement. No major component of the department has *ever* passed an independent audit. According to GAO testimony (viewable at www.gao.gov/new.items/a400163t.pdf), this is due to "pervasive weaknesses in [the department's] financial management systems, operations, and controls," weaknesses that in 1995 convinced the GAO to put the Pentagon on its high-risk list of areas "vulnerable to waste, fraud, abuse, and mismanagement." Five years later, it's still there.

DATA

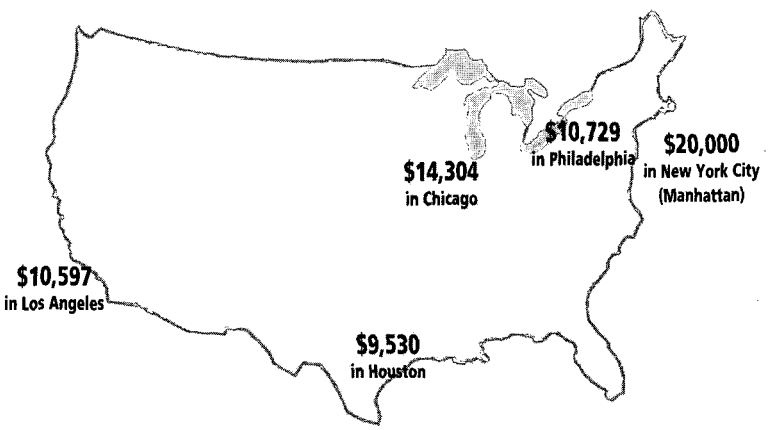
Minimal Flexibility

By Michael W. Lynch

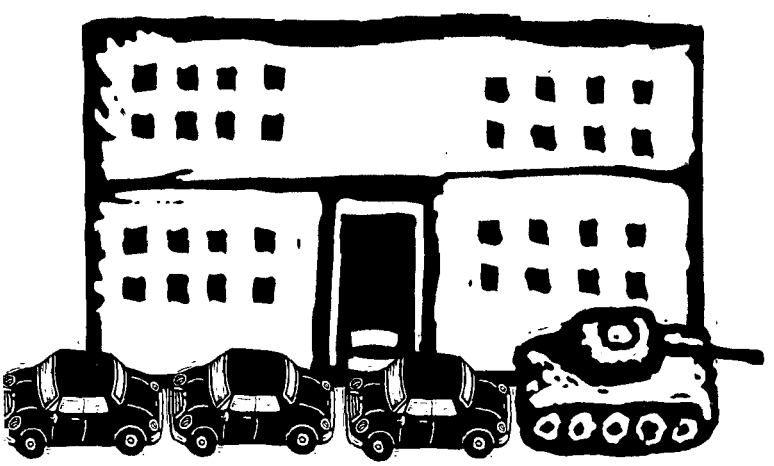
In a country as vast as these United States, national economic policy can't accurately reflect local conditions. A family of four would certainly be scraping by with two earners pulling the minimum wage in New York City, even though its combined income of around $20,000 would be above the federal poverty level of $17,050. Yet the same family making the same money would live far more comfortably in the next four biggest American cities: Los Angeles, Chicago, Houston, and Philadelphia.

Such thinking drives a bipartisan House bill, dubbed "State Flex," that would allow states to opt out of a virtually certain increase in the federal minimum wage. But House Speaker J. Dennis Hastert (R-Ill.), a former wrestling coach and self-proclaimed advocate of federalism, has body-slammed State Flex, urging all representatives to sign on to a plan to increase the minimum wage from its current $5.15 an hour to $6.15 an hour over the next two years.

Salary equivalents of $20,000 in New York City



Source: www.homefair.com salary calculator; assumes individuals rent rather than own.



Ivory Tower Terror

By Jeff A. Taylor

Can America be kept safe from college students who switch majors? According to the National Commission on Terrorism, it's a danger that needs to be addressed. Otherwise, foreign students could shift from such evidently innocuous fields as English literature to physics or chemistry, disciplines that, one gathers, might teach them to make bombs.

Congress set up the terrorism commission two years ago, after an Islamic faction bombed U.S. embassies in Africa. Interestingly, the terrorists responsible for those bombings don't seem to have studied in the United States.

The panel, made up of private security experts and former government officials, also wants the Pentagon, as opposed to civilian agencies, to take the lead in responding to major terrorist attacks on American soil. Implicit in that change would be a move away from the law-and- ▶

BRICKBATS

◆ In Indianapolis, a new ordinance makes coin-operated violent video games off-limits to those under 18, unless they are accompanied by a parent or guardian. The law also requires those games to be kept at least 10 feet from nonviolent games and separated from them by a wall or curtain.

◆ Jay Brocco had his home raided by the Washington, D.C., police, whose warrant said they were looking for child porn or evidence of child sexual abuse; Brocco was charged with exposing himself to a teen who worked at his health club.

Brocco's lawyer quickly found that his client hadn't been at the club on the day in question, a fact police could have discovered if they'd checked the attendance log or the surveillance cameras at the club. Nor had they bothered to show Brocco's photo to the teen victim. When they did, the teen immediately told them they had the wrong man.

By the time Brocco was cleared, his photo had run in the newspaper as that of a possible sex criminal, and he'd run up several thousand dollars in legal bills.

◆ When Ja Rule's record company ordered his band, the Murderers, to remove lyrics about violence against police officers and gays from an album, the African-American rapper accused it of discrimination. After all, he said, the label didn't say anything about the band's equally derogatory remarks about blacks.

—Charles Oliver

order model the U.S. has applied to terrorists for decades, which holds that terrorists are not warriors but simple criminals. Either that, or the commission wants Congress to revisit the Posse Comitatus

Act and allow the military to enforce domestic law.

The notion of advancing foreign and domestic policy by acquainting foreign students with police state surveillance also seems suspect. That approach merely teaches that freedom doesn't work and that the ends justify the means.

Borderline Cases

By Jacob Sullum

Prosecutors in southern Texas went on strike in July, refusing to accept drug cases referred to them by federal authorities. But the lack of cooperation does not necessarily signal a lack of enthusiasm for the war on drugs.

Indeed, state Sen. David Sibley (R-Waco), who supports the strike, charges the feds with being too easy on drug smugglers. He told *The Dallas Morning News* that the Justice Department was only "paying lip service" to the idea of "zero tolerance" because it routinely declines to prosecute cases involving relatively small amounts of drugs, instead passing the ball to local authorities.

"For years, border counties, the poorest in the U.S., have borne the burden of border justice," another state senator told the *News*. "We can no longer bear this burden. The federal government must prosecute and pay for what it is charged to do."

The money could be on the way. Gov. George W. Bush has promised that if he's elected president he will push for $50 million to help border counties prosecute the drug cases the Justice Department doesn't want to bother with.

Phony Deregulation

By Adrian T. Moore

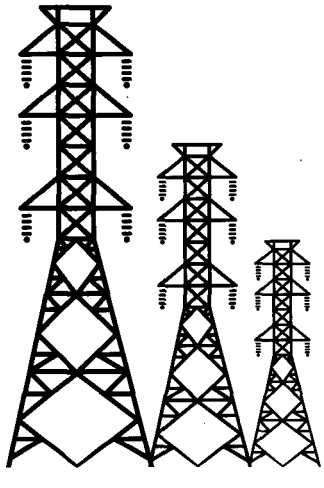
Ralph Nader recently characterized San Diego as the "canary in the coal mine" of electricity deregulation, arguing that the state essentially sold out the public's right to a reliable supply of electricity when it tried to open the door to competition. He misplaced the blame. San Diego's skyrocketing electricity rates are the result of political horse-trading and compromise, not free markets.

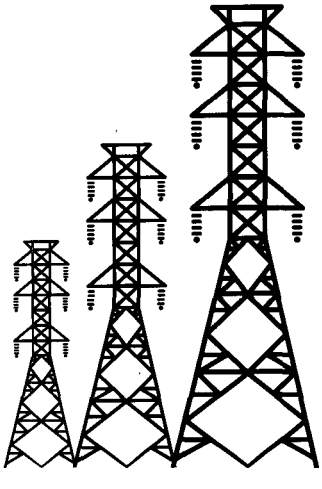
The 1996 law at the center of the debate is not some radical rewriting of the rule books. California didn't deregulate its electricity market; it "restructured" it. While the generation of electricity was partly deregulated, additional regulations and controls were placed on the rest of the system. The result violates most basic principles of deregulation: It discourages entry into the market, it restricts expansion of capacity, and it sustains the old systems and rules that prevent competition.

Witnessing the legislative battles and compromises, most potential competitors outside California adopted a wait-and-see approach. The most recent attempts to freeze electricity rates at pre-restructuring levels have only confirmed their worst fears—it isn't a deregulated market at all, just some hybrid that no one knows how to navigate.

Under real deregulation, higher prices would spur more competition. But under California's system, political hurdles ensure that no out-of-state relief can be expected anytime soon.

So what about new power supplies in-state? Many pundits complain that no new capacity has come online since restructuring, but they





don't bother to ask why. First, the restructuring law forced California's utilities to get out of power generation and sell their power plants—so they aren't investing in new ones. Several groups have applied to build new generation plants, some of them immediately after the law was passed. But even after four years, those new plants aren't likely to come online until next year because of the glacier-slow approval process.

As important, restructuring left California's existing power supply dangerously exposed by lengthening the regulatory process for repairs and upkeep. The last thing you want during a power shortage is to have existing plants break down. But because of a deal brokered in restructuring, power companies must now get regulatory approval before doing major repairs or refits. The result: While San Diego County suffers blackouts, the power supply problem gets worse.

Worst of all, because electricity rates were not uniformly deregulated—only San Diego is experiencing "unregulated rates"—folks upstate have no incentive to conserve power. Supply is further diminished, and prices are pushed higher.

Given that the normal benefits of deregulation—competition and price-sensitive demand—were compromised out of the restructuring legislation, what do lawmakers want to do now? They want to reimpose price controls. While this may offer San Diegans short-term relief, it will have no effect on the long-term health of the power supply. In fact, combining artificially low prices with severe bureaucratic barriers to new supply is a recipe for major power shortages.

Contrast this with true deregulation in other industries, such as trucking and long-distance phone service. In those cases, prices were deregulated uniformly across the market; barriers to entry were removed, not added; and firms were encouraged to add capacity and were allowed to grow, shrink, or revamp themselves to respond to changes in demand. The result has been huge decreases in prices and increases in service quality and choice—the very things those who labeled California's electric restructuring "deregulation" promised.

SOUNDBITE

We Win!

By Brian Doherty

"Liberty is a rare and precious thing," writes Jim Powell in his new book, *The Triumph of Liberty* (Free Press). Through dozens of engaging biographical sketches of figures ranging from Erasmus to Mary Wollstonecraft to Ludwig Von Mises, Powell chronicles how liberty—"freedom from fraud and coercion of every kind"—became a universally accepted (if not practiced) concept. The individuals he discusses, Powell says, "made it possible for millions of us to do what was unthinkable in ages past: enjoy life, liberty, and the pursuit of happiness." For his part, Powell has been thinking about liberty for a long time. In the 1960s, he served as an editor of the pathbreaking student journal *New Individualist Review* at the University of Chicago; more recently, he's been an editor at Laissez-Faire Books and a senior fellow at the Cato Institute. He spoke with Associate Editor Brian Doherty via phone.

Q: Given the 20th century's history of bloody statism, in what sense has liberty triumphed?

A: The earliest figure I write about in my book is Cicero, since he was the earliest for whom I could find reliable biographical sources. Look at his Rome: Slavery is universal, no individual rights, no trial by jury; private property was not secure (though property law was being developed). Rome relied on continuing conquest, constant war. From that perspective, we've come a long way.

Q: If liberty's advantages are so great, why is it so often fleeting?

A: Lots of people, both for reasons of idealism and reasons of self-interest, promote expanded government power, which throughout history has been the greatest single threat to liberty. We are dealing with either idealists like egalitarians, who want to do various forms of leveling, or with interest groups trying to get subsidies and the like. They combine for constant pressure to expand government power. Liberty is always under assault and there will never be a total victory. There will be terrible crises in the future, but if the past is any guide, we are likely to continue to get great heroes for the cause of liberty against power. Most of the people I write about are unlikely heroes, arising without much in the way of money or connections.

Q: Why use biographies to talk about liberty?

A: I thought readers who wouldn't pick up an abstract book might be attracted to stories. My stories aren't just about intellectuals—some figures are artists like Francisco Goya and William S. Gilbert and Beethoven, and some are men and women of action, like Samuel Adams, Martin Luther King, and Raoul Wallenberg.

You can't write about the story of liberty in general. By looking at the specific contributions of individuals, I saw that it developed along different tracks. The first big issue was religious toleration, which tied in with other things—freedom of speech, press, and private property. Religious toleration gets worked out before political toleration is worked out. Bills of rights get worked out before the franchise is worked out. Individuals make contributions to one of those areas, and you need that to have happened before another contribution can be important.

Virginia Postrel

Ironic Processing

How Al Gore's pursuit of "central organizing principles" winds up slicing us into ever-narrowing interest groups.

When I give a speech about the big-picture political and cultural ideas in my book *The Future and Its Enemies*, the question and answer period almost always starts with a down-to-earth query: "What do you think of George W. Bush and Al Gore?"

"Well," I say, "Bush is a mixed bag. But I think Al Gore is the devil."

This line always gets a laugh, but it's not really a joke. Don't get me wrong: Unlike some Clinton haters, who have the same opinion of his boss, I don't mean Gore is literally the Prince of Darkness. I simply mean that he operates according to core principles that work to erode the freedoms of individuals and the progress of the open society.

This is true whether you examine the "real Gore"—the intellectual wannabe who seems like he'd rather have my job than Bill Clinton's—or the political Gore, who speaks in poll-tested phrases. Both versions share the patronizing world view perfectly expressed in the vice president's tendency to address his audiences as though they were dim second-graders. Both want to tell everyone else how to live, to subordinate our diverse, individualized purposes to their own goals.

Back before his populist peroration at the Democratic National Convention, the intellectual Gore gave a remarkable interview to Nicholas Lemann of *The New Yorker*. Lemann was smart enough not to ask routine, soundbite-inducing questions. Instead, he asked Gore about his favorite ideas, and he ran long quotations from their conversations.

Gore's responses elicited scorn, derision, and dismay in Washington's political-intellectual circles. He was way, way, way too interested in obscure notions about complexity and fractals. He drew strange diagrams. He talked a lot about metaphor. He dropped names of philosophers and physicists. Gore sounded like a New Age version of Newt Gingrich.

The pundits were so flabbergasted by his strangeness that they paid little attention to the content of what he said. But Lemann's article revealed more than Gore's interest in odd ideas; it gave readers a peek at his political philosophy. And the substance of Gore's world view is troubling.

Gore believes society needs to take ideas from science and apply them to politics and economics, and he's frustrated that scientific ideas are too unfamiliar to the general public—and his political colleagues—to be used that way. He wants to replace the old metaphors of a clockwork universe and machine-age government with something more up-to-date. His favorite metaphor is "distributed intelligence."

Gore's idea of "distributed intelligence" does not in any way endorse the significance of dispersed, local knowledge.

That sounds promising. The insight that knowledge is scattered through society, and that it's impossible to collect all relevant information (including the knowledge of individuals' purposes and preferences) in a single place, is fundamental to understanding why central planning does not work, and why it is incompatible with individual freedom. But Gore's idea of distributed intelligence does not in any way endorse the significance of dispersed, local knowledge.

To the contrary, Gore imagines society as a giant computer system, using massively parallel processing to attack a single problem. In such a system, he explained in a 1996 speech to the American Association for the Advancement of Science, "When a problem was presented, all the processors would begin working simultaneously, each performing its small part of the task, and sending its portion of the answer to be collated with the rest of the work that was going on. It turns out that for most problems, this approach is more effective." (Actually, massively parallel processing isn't good for most problems, but that's a messy real-world detail.)

As a metaphor for society, this analogy suggests that someone in charge decides what the problem is and parcels out tasks to individuals. Individuals do not choose their own problems and purposes or respond to the needs and desires of other dispersed individuals. Asked by Lemann to apply this idea to government, Gore imagined members of Congress bringing information from their districts to "assemble it at the center, in the Capitol building."

So "distributed intelligence," a phrase that appears to honor decentralized knowledge, turns out to enshrine centralized decision making. This vision is in keeping with Gore's desire, in *Earth in the Balance*, for a "central organizing principle for civilization," a goal to which all other goals are subordinated.

Gore also rebels against the dispersed knowledge that makes an advanced civilization possible—the specialization that lets people do what they're good at and enables us to benefit from the knowledge of others, the specialization that acknowledges that each of us is inevitably ignorant about most things. To the AAAS, he bemoaned "the increasing segmentation of society," blaming it for the failure of his favorite metaphor to capture the

public imagination. (You can read the speech at www.aaas.org/meetings/gore.htm.)

The problem of specialization, he told Lemann, was what *Earth in the Balance* was all about. The book was an attempt, he said, "to understand the origins of our modern world view, and its curious reliance on specialization and ever-narrower slices of the world around us into categories that are then themselves dissected, in an ongoing process of separation, into parts and subparts—a process that sometimes obliterates the connection to the whole and the appreciation for context and the deeper meanings that can't really be found in the atomized parts of the whole."

No wonder the pundits scoffed. That Gore doesn't sound like much of a politician.

His views can nonetheless be translated into a campaign document. You just have to push the metaphor: The "atomized parts" are citizens, or voters, or taxpayers, or just plain individuals. They're the little pieces that don't count for much until they're brought into the grand scheme, connected to the whole. You connect them to those deeper meanings by deciding what goals they should pursue—programming them to solve the right problems.

Follow this analogy, and you wind up with a platform that reads something like Gore's campaign document, *Prosperity for America's Families.* (You can download the document at www.algore2000.com/pdf/gore_prosperity.pdf.) Filled with grandiose promises and constant repetition, this 191-page "plan" consists largely of prescriptions to add more headache-inducing complexity to the tax code, all in the name of rewarding good behavior.

Take retirement savings. Gore wants people to save, but he wants the savings to cost people the same regardless of how much money they make. Today's IRAs don't do that. A family making $25,000 pays no income taxes, so putting away $2,000 in retirement savings costs the full two grand. A family that makes $75,000 is in the 28 percent bracket, so sticking $2,000 in a tax-deductible IRA costs just $1,440. That's not fair, suggests the Gore document.

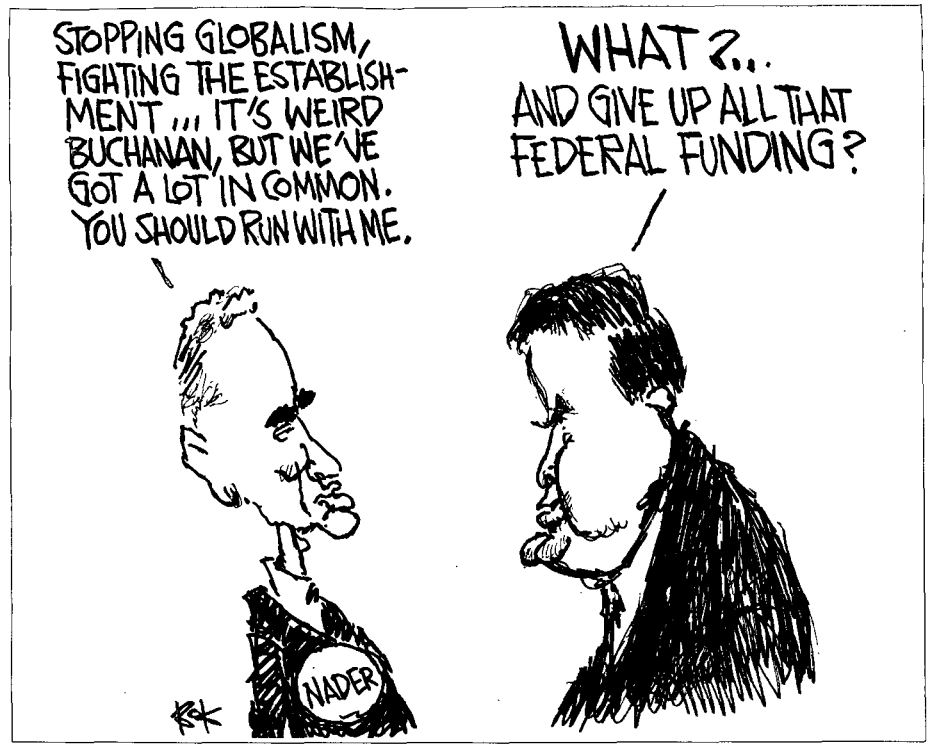
You could, of course, solve the unfairness problem by flattening tax rates, so that everyone faced the same tax hit. You could even eliminate special treatment of retirement savings and let taxpayers decide, in an unbiased way, how to spend their money. But that even-handed approach would let the atomized parts decide on their own purposes. It would offer no deeper meanings.

Instead, the current progressivity of the tax code becomes an argument for even greater progressivity. Gore proposes a new Retirement Savings Plus program in which people who save but don't pay taxes will receive matching funds and people who save and do pay taxes will get credits that go down as their tax rate goes up. Having centrally decided that the nation's little processors should all attack the problem of retirement savings, he has to rig the pieces of the problem assigned to each household.

Saving for retirement is important to Gore, but the true central organizing principle of his plan is that everyone should be raising children and sending them to college. His plan thus offers a tax deduction for college tuition, establishes tax-sheltered accounts to save for educational expenses, and gives a tax credit for after-school programs. It hikes the child-care tax credit (including a credit for parents who stay home with very young kids) and promises full-time moms who haven't paid Social Security taxes the same benefits as employed women who have. Parents whose kids aren't either in college or young enough for day care are pretty much out of luck when it comes to tax cuts as, of course, are people who make too much money.

Prosperity for America's Families goes on and on in this vein. To keep the nation's "atomized parts" from pursuing their own, unapproved goals, Gore creates so many new specialized categories that he winds up contradicting his own goals. His plan "corrects" the marriage penalty by doubling the standard deduction, for instance, but that penalizes any couple who itemizes to take advantage of any of its other credits—or of the old mortgage deduction.

The overall effect is an irony worthy of any machine-age, old-paradigm manager: In pursuit of deeper meanings and centralized purposes, Gore winds up slicing Americans into ever-narrower interest groups, favoring some and punishing others.


STOPPING GLOBALISM, FIGHTING THE ESTABLISHMENT ... IT'S WEIRD BUCHANAN, BUT WE'VE GOT A LOT IN COMMON. YOU SHOULD RUN WITH ME.
NADER
WHAT?.. AND GIVE UP ALL THAT FEDERAL FUNDING?

CHIP BOK

Editor-at-Large Virginia Postrel (vpostrel@reason.com) is the author of The Future and Its Enemies: The Growing Conflict Over Creativity, Enterprise, and Progress.

Walter Olson

Stale Claims

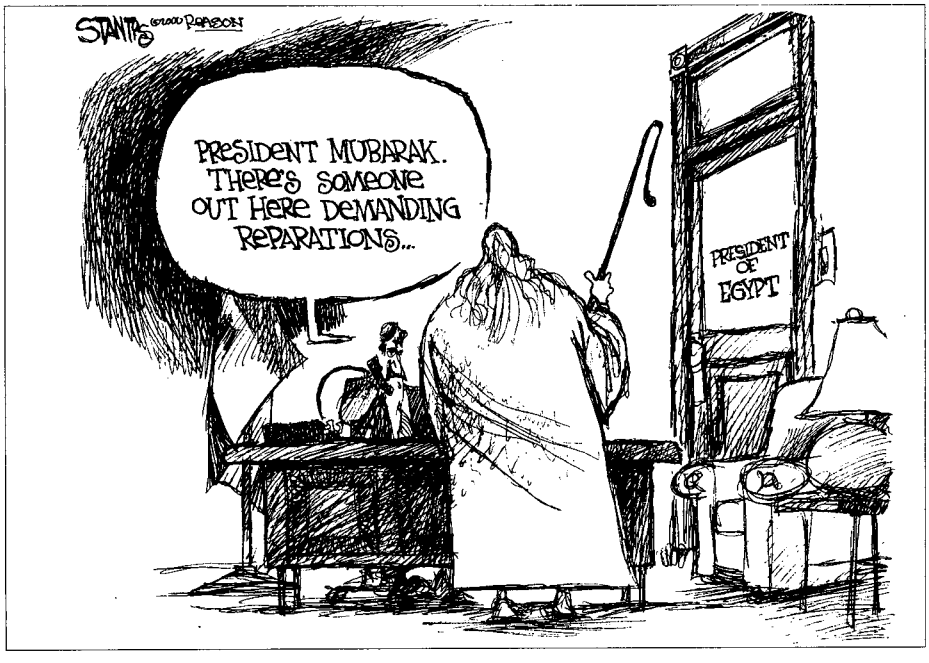
How long should the law nurse old grievances?

Last spring the Aetna insurance company made headlines when it confirmed that in the antebellum era it sold policies to slave owners insuring the lives of their human chattels. The company duly issued an apology but declined to make any added financial gesture, pointing out that it already gives millions annually to black charities. That failed to satisfy a young New York lawyer named Deadria Farmer-Paellmann, who had called to public attention the ignoble episode in the company's history; she said the firm had received "unjust enrichment" from the slave policies and should "share those ill gotten gains."

Farmer-Paellmann is vowing to build the factual basis for lawsuits demanding such restitution from many businesses whose long-ago predecessors in some way benefited from the slave economy. The list may include banks, railroads, and mining companies. She says she hasn't ruled out going after individuals, either, presumably over their inheritance or purchase of plantation land and similarly tainted property. Conveniently, she herself plans to establish a trust to administer restitution payments on behalf of American blacks. "Just because slavery ended over 100 years ago doesn't excuse them," she told *Mother Jones*.

That legal claims over misconduct in the 1850s are beginning to get a respectful hearing is just one more manifestation of a trend in American law that deserves more scrutiny than it has received: the persistent erosion of statutes of limitation and the principles behind them. The tradition of jurisprudence long held that among the law's most important aims is to make an end to strife, that to do that it's necessary to require that most claims not pressed with some promptness be extinguished forever, and that the harshness of arbitrary time limits must be balanced against the harshness of leaving people forever insecure in their property, having at any moment to fend off attacks on their title based on events of long ago.

Statutes of limitation and of repose, and their parallel doctrines in other branches of the law, have been around for a very long time. Thus time deadlines combined with adverse possession to help lay to rest uncertainty over land rights. Claims arising under the old system of equity (which grew up alongside common law) had to be pressed diligently or would be subject to the defense of "laches." And a "doctrine of acquiescence" meant that incorrectly drawn political boundaries could be rendered correct by the peaceful passage of time. "The best interests of society require that causes of action should not be deferred an unreasonable time," explained a court in 1871. "This remark is peculiarly applicable to land titles. Nothing so much retards the growth and prosperity of a country as insecurity of titles to real estate. Labor is paralyzed where the enjoyment of its fruits is uncertain; and litigation without limit produces ruinous consequences to individuals."



SCOTT STANTIS

By the 1960s and '70s, however, some legal reformers were growing impatient with repose as a primary legal goal. It seemed a formalistic impediment to full justice. Since then, with encouragement from liberal legal academics, time limits on suing have been relaxed or skirted in area after area, to the point where some major sectors of litigation—asbestos and Superfund, for example—are now based in no small part on scrutinizing actions defendants took back in the 1930s, '40s, and '50s. In contemporary product liability law, when a World War I–vintage machine is involved, it's not unheard of for courts to go back 80 or 90 years in quest of business guilt. Given that, it doesn't seem much of a stretch to go back a further 50 or 60 years and haul them to the bar for misdeeds their predecessors committed before the Emancipation Proclamation. And if you're worried that our courts will slide down the slippery slope until they begin hearing claims dating back to the first years of the Republic, you're too late: Indian tribes already have succeeded in reviving huge pending land claims that originated in 1795, during the administration of George Washington.

One obvious problem with claims related to the slavery era is that it was perfectly lawful at the time for Aetna to sell the

kind of insurance it did. Even if such actions are construed as a "crime against humanity" for which the usual rules of legality are suspended (such as prosecutions of totalitarian officials after the fall of their regimes), the fact remains that the American Civil War was followed by a comprehensive, fundamentally political settlement of who would and would not face confiscation or other legal penalties based on antebellum conduct.

You can see, however, why black reparations activists might get the idea that such political settlements, no matter how secure and final they looked at the time, are subject to perpetual reconsideration: They've been watching the stunningly successful campaign over World War II–era reparations. After the end of that war, American policy makers concluded treaties with the former Axis powers intended to resolve with finality questions of who owed what and to cut off the prospect of debilitating litigation. For about 50 years they thought they'd succeeded, until American lawyer-activists suddenly appeared on the front pages demanding separate, added reparations. (Claims against the Swiss were a special case, having in many cases never been settled by treaty.)

The campaign encountered at best mixed success in court. Last year, for example, a federal judge dismissed four class actions against German companies, pointing out in a 78-page opinion that to reopen questions long deemed settled by agreement "would be to express the ultimate lack of respect" for the work of Truman-era U.S. policy makers.

But even rulings like that seemed to make little difference. Armed with the power to impose punishing and one-sided publicity, with threats of sanctions issuing from state and local governments, and with the slender but highly menacing possibility that some judge might allow one of the gigantic class action cases to get to a jury, the reparations movement within a few short years had sprung from obscurity to extract billions from European governments and businesses.

Meanwhile, a California law enacted last year and sponsored by California state Sen. Tom Hayden (D–Los Angeles) extended to 2010 the statute of limitations

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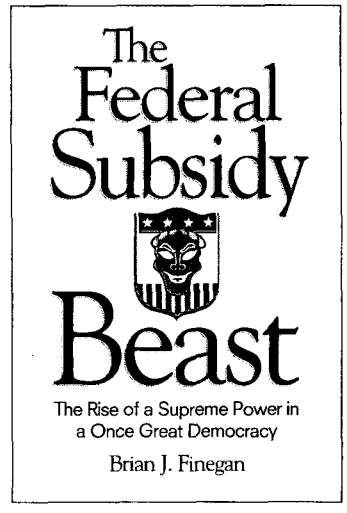

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for suing Japanese and other defendants over World War II misdeeds. U.S. Ambassador to Japan Tom Foley has warned that such legal actions are undercutting American foreign policy and generating a backlash in the island country: "The peace treaty put aside all claims against Japan."

Retroactivity is a frequent evil when courts are invited to look far back in time to establish culpability, since laws change and the actions of a former day will tend to be judged by the standards of the present. In product liability, a field of law which expanded so drastically between 1965 and 1980 that it could almost be said to have been invented from scratch, tobacco companies and many others are being punished for conduct that was plainly lawful by the standards of its era. Paint companies voluntarily discontinued the use of lead-based paint for interior use in the 1950s; not until 1978 did the federal government ban the product. Now the companies are facing massive litigation anyway.

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According to industry lawyer Marc Whitehead, quoted in a trade magazine, "Most of the allegations concern conduct in the first quarter or first third of the 20th century." In Massachusetts, state Rep. Marie St. Fleur (D-Boston) has introduced legislation that would expand such litigation yet further by lifting the statute of limitations that requires lawsuits over lead exposure to be filed within a certain number of years of the alleged injury. A similar bill is pending in Rhode Island, where the state government has already filed suit against paint makers and thus is a highly interested party.

Even before the recent liberalizing trends, the law had been peculiarly generous toward the interests of children, commonly suspending the statute of limitations on a youngster's right to sue until he or she reaches the age of majority, despite the suspense to which this subjects everyone else's rights. In the late 1980s, however, victim advocates, with help from feminist groups and trial lawyers, began claiming this rule was not liberal enough in cases of alleged child sex abuse. They argued that it was unfair to start running the clock on such a claim even after a victim reached legal adulthood; instead, they maintained, the key moment should be when the victim *discovered* the offense or its harmful impact. Between 1989 and 1997, more than half the states adopted new rules opening the courthouse doors to child abuse offenses belatedly discovered by victims. As the Bergen County *Record* reported after New Jersey passed one such law, the change "is meant to help people assaulted as young children, but who repress the memory until they are adults."

The results became a national scandal: Some genuine abuse claims were facilitated, but so were a shocking number of purely imaginary ones. The changes in law had followed close on the heels of a fad among psychotherapists that had helped elicit from thousands of patients false memories of long-ago abuse at the hands of family members, teachers, or complete strangers. These patients would now be given legal encouragement to turn these memories into court cases, though after a lapse of decades it might be hard to prove either way whether Mom, Dad, and Aunt Bev had indeed engaged in multiple rape, Satanic ritual abuse, or midnight animal sacrifice in the town square. Readers of books like Richard Ofshe and Ethan Watters' *Making Monsters* (1995) need no further description of the hell such legal proceedings inflicted on innocent parents, condemned not only to estrangement from grown children but to devastating publicity, ruinous legal costs, and not infrequently the threat of actual imprisonment. It's an episode our legal system will be living down for decades, if not centuries, to come.

As illustrated by the child abuse cases, one of the prime reasons for the disapproval of stale actions had always been the realization that their evidentiary basis will commonly be far less reliable than that of fresh actions. Aside from the drift and fading of memories, written records will often have been discarded, personal witnesses scattered or dead. Then, too, there's the nagging question of whether the original bad person or entity is still in some sense around to punish. Despite the law's eagerness to entertain notions of "successor liability," many of us will share Victor Hugo's doubts, as embodied in the character of Jean Valjean, as to whether the repentant 70-year-old is really the same person for purposes of punishment as the culpable 20-year-old he once was. And when property has been inherited or changed hands many times since the original misdeed—the former slave plantation now turned into a subdivision in suburban Atlanta—the trail of guilt is more attenuated still.

If you doubt it, ask the many Northeastern land owners whose property titles, whether purchased or passed down through generations, have lately been put in question by the revival of old Indian claims. In 1795 and 1807, for example, the state of New York bought from Indian tribes large tracts of what is now the western part of the state, from the Finger Lakes to the shores of Lake Erie. Though the tribes were eager to sell the land, the sales were legally irregular: Federal law, proceeding from the unseemly premise that the Indians were childlike "wards" who could not alienate their property of their own will, required such transactions to be approved by the national government (which they never were). But no one complained at the time. After the better part of two centuries had passed, leaders of the Oneida tribe decided to launch a legal action seeking to upset the old sales as unlawful—even though the land had been occupied for generations by the homes and apple orchards of tens of thousands of Euro-descended inhabitants.

In 1985, by a 5-to-4 margin, the U.S. Supreme Court ruled that proper title to the land never passed and sent the case back for further litigation. The legal questions are admittedly murky, given the peculiarities of Indian law. But Justice John Paul Stevens, speaking for fellow dissenters Warren Burger, William Rehnquist, and Byron White, pointed out that the Oneida

elders of the day made no attempt to back out of the sales or cast doubt on their legitimacy, while their successors had subsequently "waited 175 years before bringing suit to avoid a 1795 conveyance that the Tribe freely made, for a valuable consideration. The absence of any evidence of deception, concealment, or interference with the Tribe's right to assert a claim, together with the societal interests that always underlie statutes of repose—particularly when title to real property is at stake—convince me that this claim is barred by the extraordinary passage of time."

Now ugly tensions are on the rise across the disputed area, with old friendships breaking up, petty vandalism and threats escalating, and local Euro-descended landowners furious at both the tribal leaders and the Clinton Justice Department, which has intervened to back the Indian claims. The value of the disputed homes and farms has plunged; tribal spokesmen say they don't intend to release the homeowners from their claims unless the state government steps in with a sufficiently generous offer on their behalf. "You have to get the state to get serious about negotiation," explains controversial Oneida leader Ray Halbritter. "The pain of not settling has to be greater than the pain of settling.... This is all about power." Ironically, because of its tax-free casino and cigarette operations, the Oneida tribe is itself much more affluent than its homeowner antagonists; it also donates abundantly to politicians, making it a major political force in the region.

Waiting in the wings is an even more dramatic claim by the Onondagas, to a large tract of land on which sits, among many other things, the city of Syracuse. "It's in total violation," says the tribe's chief, referring to the community, New York's fifth largest with a population of about 160,000.

"Whether or not the lawsuits succeed is almost beside the point," writes *New York Times* editorialist Brent Staples of the black reparations claims. Defendants surely will take a different view.

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The New Presi

dential Identity

After 50 years, the commander-in-chief role no longer defines the presidency. But what will replace it? ★ By Charles Paul Freund

Nobody ever accused American presidential politics of suffering from too much dignity, but the 2000 election has been a singularly post-labial affair. In what is likely to remain the signature moment of the campaign, Democratic nominee Al Gore grabbed his wife Tipper in front of thousands of screaming delegates at the party convention in Los Angeles and kissed her passionately for—according to authoritative sources—more than three seconds. Pressed between their firm but broadcast, cabled, satellited, and videostreamed lips lies an elusive solution to a major Washington mystery: How could Gore's convention have seemed such an embarrassment and yet have solved so many of his political problems?

STEPHEN KING

The Kiss, for example, left nearly the whole of the elite press corps grimacing. Conservative critics such as columnist Robert Novak found the sight "disgusting"; right-winger Cal Thomas thought that the Gores "should have gotten a room." No surprise there. But even a centrist political reporter like Jack Germond of *The Baltimore Sun* thought the moment "X-rated," while presidential historian Doris Kearns Goodwin said on PBS that watching the Gores made her feel like an intruder.

Most political critics also grimaced at Gore's I'll-Fight-for-You acceptance speech. Gore got credit for affect, because he managed to avoid sounding like a robot in need of major re-

PRESIDENTS USED TO ASSUME A STIFF PUBLIC ROLE FOR THE SAKE OF THE OFFICE, KEEPING THE REST OF THEIR LIVES OUT OF VIEW. TODAY, THE PRESIDENCY INVOLVES DISPLAYING THE WHOLE MAN.

programming. But the "most important speech of Gore's life" was almost universally judged to be "the wrong speech." It was no good because it was a "class warfare" speech in a time of unprecedented prosperity; it was no good because it lacked the requisite statement of the candidate's grand "vision"; it was no good because it was really a laundry list of programs appropriate to a state-of-the-union address; it was no good because, according to Bill Clinton himself, Gore wasn't addressing the country's "optimism."

Indeed, the whole, often stupefying Democratic convention was judged to be no good. The opinion-poll lead enjoyed by Republican nominee George W. Bush in the wake of the GOP convention actually seemed to grow each day the Democrats met. To the degree that there was a consensus among the agenda-setting political media, it was that Bush could pile up such a formidable lead by Labor Day that Gore simply wouldn't be able to overcome it. From the point of view of professional politics-watchers, the political season was threatening to be historically brief.

All these judgments were, at the time they were delivered, entirely reasonable, at least based on the last half-century of presidential politicking. They also turned out to be almost entirely wrong. As the nation's swimming pools drained at the end of Labor Day weekend, most polls reflected a neck-and-neck contest, with some indicating a small Gore lead. *Newsweek* actually had the vice president 10 points ahead. Bush seemed to have lost traction, his campaign sounding increasingly reactive. One could reportedly smell panic at The Palm, a favored hangout of Beltway Republicans, as the GOP advantage in the Electoral College threatened to disintegrate. On the other hand, *The Washington Post* announced on its front page that the "Gore camp's confidence takes flight."

By the usual Washington standards, none of this made much sense. Gore was always expected to get a post-convention "bounce," but such bounces always faded. Why didn't Gore's? What had Bush done wrong? And why didn't Gore suffer any consequences from his supposed convention mistakes, rhetorical and otherwise? How could Gore's dull convention, in which his college roommate talked about defrosting turkeys, his daughter talked about toast for breakfast, and his wife showed pictures of Gore dressed as Frankenstein's monster—all topped off by The Kiss and "the wrong speech"—have worked so much to his advantage? And, perhaps most important, what had happened to the standards by which the nation's political gatekeepers have long judged campaign success and failure?

You could take your pick of Washington's early answers. Democrats were making much smarter—and unanswered—media buys. Gore had defused Bush's best issue—the morality-honor-dignity package—by choosing the publicly pious Sen. Joe Lieberman as his running mate. Lieberman, known only for being an early critic of Clinton's personal behavior, had enabled Gore to de-Clintonize his candidacy. Bush had allowed Gore to dominate the news for weeks. Bush's own running mate, Dick Cheney, was proving to be a lethargic campaigner with stock-option problems. Bush's team of Texan managers was inexperienced in national campaigning. Etc.

These are all worthy answers, and they all knowledgeably address aspects of the *Realpolitik* of presidential campaigning. But they are all after-the-fact scrambling by a press corps addressing its own sense of surprise. The fact is that Gore's

remarkable early success was seemingly built on an unfathomable foundation.

The problem is that the campaign press was looking for answers in the wrong place. It examined politics from within. But American politics, as reflected in the unusual dynamics of the 2000 campaign, has itself been reshaped. The historic geopolitical changes of the past decade, along with the remarkable development of new media, have resulted in a succession of quiet, interlocking political reactions. American leadership models, once limited to a handful of rhetorical types, are expanding to include different character roles; successful public life is becoming ever more self-revelatory; the relationship between citizens and their elected officials is becoming increasingly direct and personal; the traditional gatekeeper political press is losing its power and significance.

This sounds less like politics as it has been practiced for decades than it does like the dynamics of popular culture. And in fact that is the point. American politics in the wake of the Cold War, and in the context of invasive new media, is readjusting itself according to a familiar cultural model. Al Gore, whether by design or chance, is helping to create what might be called the cultural campaign. Between the conventions and Labor Day, he was telling voters a more compelling story.

In the course of the presidency's two centuries, politicians have approached the office with a variety of rhetorical and behavioral styles. Some, like William Jennings Bryan and Jimmy Carter, have adhered to an essentially religious model, an approach that can easily transmute into that of a mere scold. Others, like William McKinley and Calvin Coolidge, have adopted the public attitude of the taciturn business CEO. A few, like Woodrow Wilson and Adlai Stevenson, have been professorial, though many more (usually unsuccessful) candidates have been a closely related type: the wonk, a character often nominated in recent years by the Democratic Party.

Many candidates, whatever else they may be, try to reserve some space for being Jes' Plain Folks. In fact, the claim to humble origins has been a mark of presidential candidacy since William Henry Harrison's 1840 campaign advertised that he was born in a log cabin, though Harrison was actually born comfortably middle class. Both George W. Bush and Al Gore, sons of power and privilege, made shameless claim to the Jes' Plain Folks identity in their respective convention acceptance speeches, embracing memories of their supposedly humble pasts.

The single most important leadership model of the past half-century, however, has been military. Throughout the Cold War (with the important exception of the Vietnam years), the commander-in-chief function of the presidency trumped all other models. Even if a candidate had not had the illustrious career that Dwight Eisenhower brought to the 1952 and 1956 campaigns, military credibility was essential in gaining the office.

It would be difficult to overstate the effect on American culture of an ever-present foreign threat. It reshaped almost every public activity, from the Olympics to the space program, transforming non-political figures such as astronauts (John Glenn), concert pianists (Van Cliburn), swimmers (Mark Spitz), and even hockey players into symbolic leaders of national significance. The role of president was consumed by it, and in fact a long series of contests between Republican "warriors" and Democratic "wonks" resulted in the postwar domination of the White House by the GOP.

It has been largely forgotten, for example, that John F. Kennedy campaigned in 1960 as a fiercer cold warrior than Richard Nixon. JFK accused the Republicans of allowing a "missile gap" to open, and promised to go to war to defend a pair of Pacific islands (Quemoy and Matsu) that no one had ever heard of before. Barry Goldwater's 1964 campaign foundered on accusations by his own Republican rivals that he would be an irresponsible commander-in-chief, a charge effectively exploited by Lyndon Johnson.

By 1968, Vietnam had made the military role a controversial one. Nixon defeated Hubert Humphrey that year in part because he promised to end the war while retaining national honor. George McGovern's 1972 debacle hinged on his inability to persuade voters that he was an appropriate leader of any kind. But Carter's own foreign policy failures prepared the way for Ronald Reagan's militantly vocal anti-communism; his "bear in the woods" campaign helped crush Walter Mondale's 1984 bid. Though the Cold War had ebbed by the time of the George Bush–Michael Dukakis race in 1988, the Democrat's notorious turn as Snoopy-in-the-tank during a campaign photo op effectively ended what slim chance he may have had.

Comes the Cold War's end, and the entrance of Bill Clinton. Clinton unseated a president who had overseen a major conflict, the Gulf War, and went on to defeat Bob Dole, whose biography featured an impressive war record. His is the only full presidency of the Pax Americana, and it is difficult to generalize from the peculiarities of his leadership. But it is a reasonable conclusion not only that the office has deflated in significance in the absence of an identifiable foreign threat (in concert with the symbolic deflation of the Olympics and the space program, among other phenomena), but also that Clinton benefited from the shrinkage.

One of the seeming mysteries of the Clinton presidency is the failure of a series of still-unresolved security and military issues (technology transfer and the political use of military force among them) ever to develop "big story" proportions. One likely explanation for this failure is that Clinton's presidency simply lacked the symbolic dimension of so many of his commander-in-chief predecessors. In other words, the president simply wasn't as important in the daily lives of citizens. Because he mattered less, Clinton could get away with more.

The most obvious available Clinton parallel with Cold War–era candidates involves the decline of the so-called "character" issue. Gary Hart was driven from the 1988 campaign by a single photo, taken aboard the good ship *Monkey Business*, that supposedly called his character and judgment into

question. Clinton was awash in such stories throughout his two terms. While one nearly toppled him, it was actually driven by legal rather than character issues. Not even an alleged rape affected his high approval rating. News images involving Clinton that were considerably more compromising than the Hart photo—such as video of Clinton groping a flight attendant—remained largely unexamined.

This, then, is the changing office for which Gore and Bush are contending. It is an office in the process of national redefinition. The military model obviously retains a certain degree of power: Colin Powell could well have had the GOP's nomination for the asking and ex-POW John McCain staged a whirlwind challenge to Bush. Indeed, Bush's own campaign has retained the traditional Republican focus on military stewardship. But McCain ultimately failed, Powell doesn't want national office, and neither Gore nor Bush has or needs personal military credibility. The question becomes, What set of characteristics—what model—is developing to replace those that have shaped American leadership for so long?

The Clinton years and the notable candidacies of 2000 offer some possibilities. Presidential leadership used to require a sense of public dignity, for example, a figure who remained serenely above the fray. The new candidacies, on the other hand, are casual-Friday affairs. Presidents were once distant, mediated figures, visible only in carefully staged circumstances, but the new leadership seeks to display itself directly, constantly, and seemingly candidly. Presidents, even when they assumed a Jes' Plain Folks appeal, nevertheless maintained a hierarchical relationship with the public; the new leadership seeks intimacy and even empathy with citizens. Presidents not only attempted to appear ceremonial, but to employ their public rhetoric ceremoniously by reaching for the carefully crafted memorable phrase ("Ask not what your country..."). Presidents and candidates are today conversational even on major rhetorical occasions. Presidents were once cerebral and certainly publicly asexual; the new leaders are physical. Presidents, in other words, used to assume a stiff public role for the sake of the office, keeping the rest of their lives out of view. Today, the presidency involves displaying the whole man.

In fact, presidents and would-be presidents may not have had much choice in the development of this model. There is a good argument that the process of increasing exposure has been imposed on the office and those who seek it by the growth of new media. That is, no candidate or campaign manager invented the role; successful candidates are those who may best fit a now-inescapable public niche.

The best argument that a new presidency has been inadvertently created and not invented is that this model was predicted, more or less, 15 years ago. In 1985, a communications scholar named Joshua Meyrowitz published *No Sense of Place*, a tome in which he argued that far-reaching social consequences were arising from electronic media. Most of Meyrowitz's argument addressed apocalyptic social changes he thought were looming, but his chapter on political change was clearly prophetic. Meyrowitz was disturbed at these changes, as is evident from his worried title, "Lowering the Political Hero to Our Level." But one needn't share his regard for political heroism to appreciate the value of his political insight.

Reduced to its essentials, Meyrowitz recognized the growing ability of new media to invade the political back stage, turning what had been private activity into yet another public, front-stage forum. Political leaders, he predicted, would no longer be able to maintain a larger-than-life aura; they would no longer be able to sharpen their public rhetoric; their constant exposure—their forced familiarity—would reduce them, in his opinion, to the standing of any other citizen. That is largely what has happened. Since Meyrowitz wrote, electronic media have been joined by digital media, and if anything the process he described has accelerated.

But what Meyrowitz did not foresee was that the invasion of a candidate's once private back stage would provide whole new opportunities for political exploitation. The political genius of the age lies in both selectively exposing and even staging elements of one's private life.

Bill Clinton has been a pioneer in such politics. In early 1998, to cite one memorable example, Clinton and his family vacationed in the Caribbean, allowing the press to accompany them. One famous evening, the president and his wife emerged on the beach in their swimsuits and danced affectionately. Cameramen, hidden in the bushes, photographed them, and the pictures were prominently displayed. The First Family soon complained bitterly of this paparazzi invasion of their privacy. Journalists, however, retorted that such "happy family" images just happened to be quite useful to the president, since the Paula Jones issue was soon to hit the news again, and that anyway, the Clintons could easily have left the official press behind. The whole "private" scene, charged critics, was staged.

Whether that particular situation was indeed staged remains ambiguous, but Clinton has certainly festooned his public life with deliberate personal exposure, from sweaty scenes of jogging, to sax-playing on a talk show, to going shopping in Washington's stores, to his willingness to discuss his underwear on MTV. Cementing a seemingly direct relationship of equality with citizens has been a primary element of his political strategy.

The performance of the Gore ensemble at the convention—the loving daughter Karenna Gore Schiff, the respectful college pal Tommy Lee Jones, the dancing, high-fiving Tipper Gore, and fightin' Al himself—was a veritable public bath in such exposure, a giant advance in the public manipulation of back-stage privacy. Beyond frozen turkeys and breakfast toast were the coming-of-age issues of student and young-family life. And beyond these were Gore's struggle with conscience over Vietnam, and Tipper Gore's struggle with depression. And beyond these was the elemental, bodice-ripping passion for his wife that Gore claimed was a spontaneous and irresistible reaction to the enthusiasm in the Staples Center. The whole Gore was served stripped on a platter, like one of those Harvard turkeys Jones remembered. Gore's life, his back

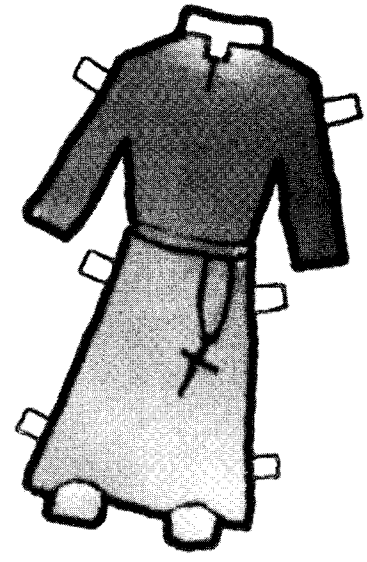
stage, melted seamlessly into the front stage of public life. Indeed, that was the idea behind Spike Jonze's "home movie" that pretended to be a cinema vérité snatch of the vice president's private life but was clearly shaped as a public document.

Win or lose, Al Gore seems particularly well situated to take advantage of the opportunities of political exposure. The reason is his remarkable capacity for politicizing his personal life, and for reconfiguring his public identity. Indeed, Gore has a reflex for autobiographical embellishment that has gotten him into difficulty.

For example, Gore has in the past told stories about his service in Vietnam in which his actual behind-the-lines experience as a reporter is augmented with dramatic scenes of danger, of being under fire; such scenes have been challenged by critics. Similarly, Gore has claimed that the 1970 best-selling tear-jerker *Love Story* was in some way inspired by his own experiences, a claim that apparently has no basis in fact. The most famous such yarn involves the greatly exaggerated role that he has claimed in the development of the Internet. Al Gore is not only whoever he thinks he has to be politically at any given time (a characteristic common to many politicians), he also *was* anybody that he thinks it was useful to have been.

For that matter, Gore is willing to try to change identity characteristics by changing costume. The flap earlier this year over Gore's earth-color outfits, apparently inspired by the "Alpha male" advice he was receiving from babe-feminist Naomi Wolf for $15,000 a month, is evidence of how adjustable his public identity can be.

MODERN "CULTURAL" CANDIDATES ARE INVITING THE ELECTORATE TO USE THEM AS FIGURES IN THEIR OWN LIVES, WHILE IN EXCHANGE INVITING THAT ELECTORATE INTO THE PRESIDENCY WITH THEM.



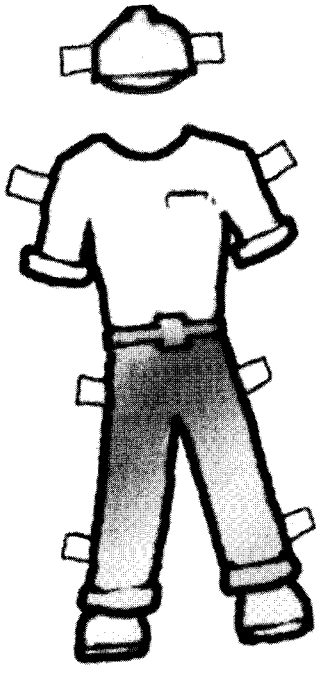
But the most discomfiting episode of this sort in Gore's career involves his appearance at the 1996 Democratic convention. On a night devoted to displaying the party's compassion for and empathy with the electorate, Gore spoke of his sister's difficult death from lung cancer in 1984. Much of Gore's presentation may be described as a moving tribute to a beloved family member. An emotional Gore told the delegates and the national audience that this wrenching experience was the basis of his unwavering opposition to tobacco, only to have it revealed afterwards that Gore had maintained a working relationship with tobacco companies long after his sister died. Gore "explained" that these inconsistencies were the result of a state of "emotional numbness." He thus compounded the apparent exploitation of his loss. It was, all in all, a singularly appalling political use of one's most private experiences. "Sometimes," he offered, "you never fully face up to things you ought to face up to."

That episode is largely forgotten, but it and the other examples illustrate Gore's willingness to find political value in the most elemental aspects of his life, from grief to passion, and to expose them in an effort to connect with an electorate.

Of course, connecting with an electorate necessarily involves the creation of a public persona, often one that is exaggerated or even partly fictional. National campaigning has revolved around spinning such candidate "narratives" for most of the republic's history. Traditionally, the old narratives imputed admirable characteristics to a given candidate: He was honest, plainspoken, brave, visionary, a man of the people, etc. These remained useful claims even as political fictions intensified with the introduction of PR methods in Eisenhower's 1952 "Man from Abilene" campaign, which stressed his heartland origins. They remain so today. But with the whole man increasingly exposed, campaign narratives must build their character-spinning narratives not merely out of desirable qualities, but out of whole lives.

Obviously, for voters with strong party affiliations and those driven by issues, such narratives are not especially important. But a significant number of voters—up to 30 percent of the electorate—has no party affiliation, and are open to persuasion. In fact, this percentage is growing rapidly. Many of these voters size up the man, or at least the one they are shown. Victory in a national campaign depends on winning these voters, and candidates are anxious to show them someone with whom they can identify. Indeed, the standard view that some elections are about "character," while others hinge on issues, requires review. The cultural campaign subordinates issues within character.

Many political observers have objected that the process is pushing politics beyond the old public-relations embellishment of character, and into complete identity falsehood. The usual objection is that politics is now nearly indistinguishable from the star-making mechanics of show business. Such criticism should be targeted at the political media. The press paid no attention to political public-relations methods for 20 years after they were introduced in 1952, and is now paying little attention to reading the kinds of rhetorical and political narratives that are coming to dominate national campaigns.



EVERY CAMPAIGN IS A PERFORMANCE AND EVERY RHETORICAL OCCASION A NARRATIVE. SO TOO IS EVERY VOTER HIS OR HER OWN EXPERT. SMALL WONDER, THEN, THAT THE PRESS WAS SURPRISED.

Even so, what many critics are observing is not merely a marriage of politics and show-biz mechanics; it is a marriage of politics and modern popular culture itself. A show-business analogy implies a spectacle, like a circus or a parade, in which an audience sits passively and later applauds (or, if you prefer, votes for) the performances it has most enjoyed. But an audience observing a narrative tale, whether a myth, a soap opera, or a political campaign, is not at all passive; it is actively involved throughout in locating meaning, in identifying with characters, in comparing the action it is seeing with its own experience, in taking cues for future behavior, and in a variety of other observations and judgments about what it is seeing. Modern "cultural" candidates who are exposing their back-stage lives for political gain are not "casting" themselves in the role of "The President"; they are inviting the electorate to use them as figures in their own lives, while in exchange inviting that electorate into the presidency with them.

Early in his campaign, George W. Bush offered voters essentially one narrative: He was riding—compassionately—to the rescue of the nation, and would restore the honor it had lost at the hands of Clinton-Gore. The single most important line of Bush's early campaign was delivered by vice-presidential nominee Dick Cheney when he told the Republican convention, "We'll never look at one [Gore] without seeing the other [Clinton]." Beyond the role of rescuer, Bush offered little, aside from testimonials that would give them entry into his character.

But Gore did in fact separate himself from Clinton, in effect depriving Bush's campaign of its narrative focus. Bush started to fade. Furthermore, Gore's feisty speech, though it was open to all the criticism that it received, was built around an irreducible message: "I'll Fight for You!" With Bush's message of "I'll Rescue You" blunted, and with no strong Bush character narrative in play (except the nagging "frat boy" image), Gore emerged as the only vital political presence attracting the attention of undecided and swing voters. It's no surprise that, as all that swimming-pool water was gurgling down the drain on Labor Day, Bush's support was gurgling away with it.

There's one other notable way in which politics is taking the form of popular culture, and it involves the press. There was a time not very long ago when, if the elite political media pronounced an important speech to have failed in its purpose, then that became the public perception as well.

But the proliferation of media is ending the power of instant critical judgment that the political press enjoyed when there were three networks and a pair of national papers. Just as the power of *The New York Times Book Review* has ebbed, and as elite film critics have nearly disappeared, elite political judgment is swaying an ever-shrinking audience. There is now so much material available on cable and the Web—including an ever-greater number of political critics and analysts of every persuasion—that political attention is breaking into the kinds of separate niche markets and "taste cultures" that already exist for other narrative forms.

If 20 years ago, Gore had given what high-profile experts called "the wrong speech," the likelihood is that many voters would have accepted that he had miscalculated, and judged him accordingly. But if every campaign is a performance, and every rhetorical occasion a narrative, so too is every voter becoming his or her own expert. Small wonder, then, that the press was surprised.

Charles Paul Freund (cpf@reason.com) is a senior editor of REASON.

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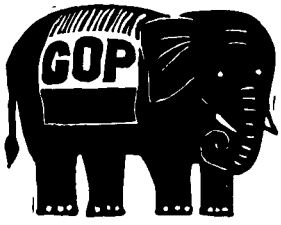
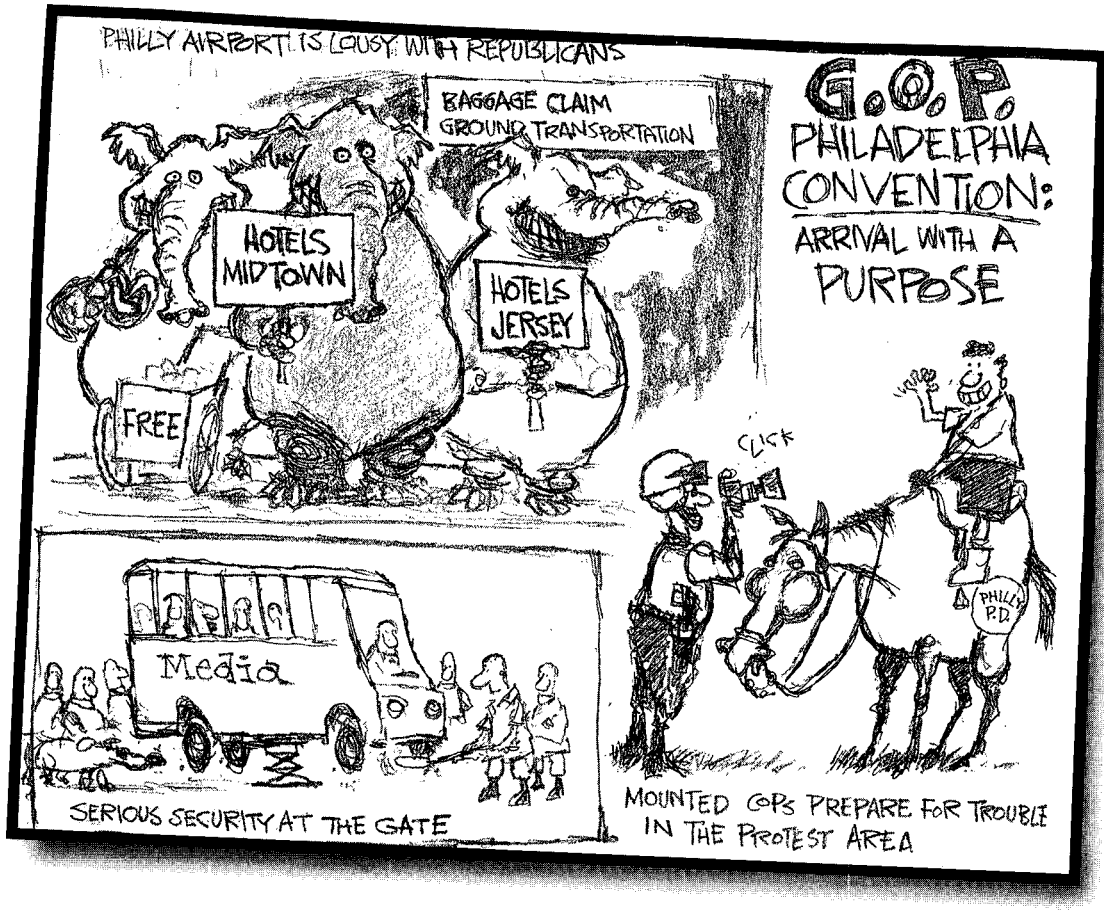


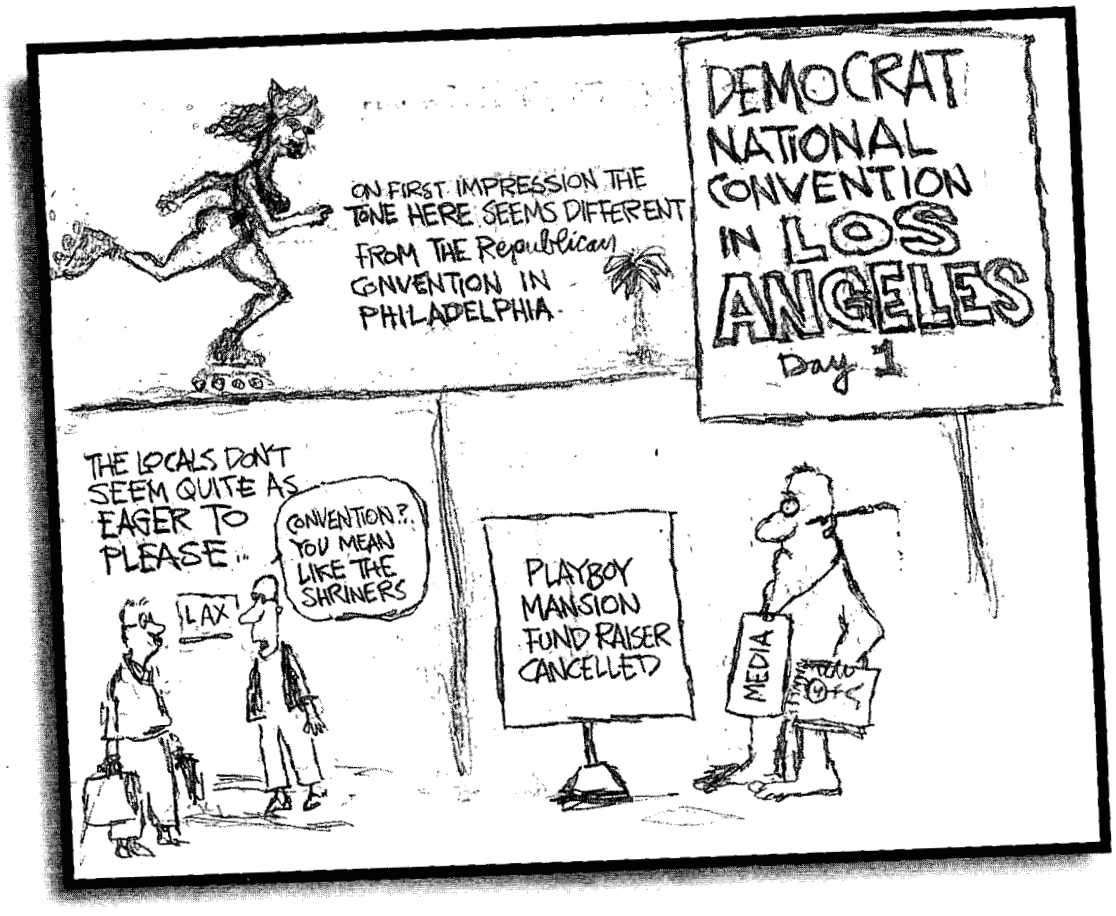


Protest, Pove

Our man in Washington travels to the national conventions.

This summer, REASON's Washington editor and Capital Letters columnist, Michael W. Lynch, headed out of D.C. to attend the Republican National Convention in Philadelphia and the Democratic National Convention in Los Angeles.

ILLUSTRATIONS: CHIP BOK


ON FIRST IMPRESSION THE TONE HERE SEEMS DIFFERENT FROM THE Republican CONVENTION IN PHILADELPHIA.
DEMOCRAT NATIONAL CONVENTION IN LOS ANGELES
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MEDIA

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Over the course of the two events he filed daily dispatches about the official and, perhaps more important, unofficial goings-on for *Reason Online*. Here are selections from his analysis of the events' two most enduring themes: political protests and poverty.

Lynch's complete coverage—including his trip to the infamous Playboy Mansion in L.A.—can be found at www.reason.com/bi/convention.html.

Subj: Committing Capitalism
Date: 7/30/00
From: mwlynch@reason.com

I headed into Center City Philadelphia early to catch the Unity 2000 demonstration, one of the many protests planned for the week of the Republican National Convention. Unity 2000 was designed as a noisy parade of various left-leaning groups. Not much news happens at political conventions anymore, and the buzz in and out of press circles is that the protests will be the big story. If this morning's effort is an indication, that story won't be above the fold on the front page; in fact, it may end up struggling for space in the food section. There were more cops than protesters—well, that's a bit of an exaggeration—but both were appallingly well-behaved.

Not that folks weren't prepared for violence. "I don't like cops, and I don't like government. They have too much power," Mike Shane, a ninth-grader from a Philadelphia suburb, told me in a thick Philly accent. Shane doesn't plan to commit violence. He's committing capitalism, selling gas masks for $5 each. He'll sell you a navy blue shirt with *Protester* over the left nipple for the same amount. He nets $2 on each item. "Pretty much sell stuff, that's all I can do," Shane answered when I asked him what he planned to do during the week. "Anybody that wants to buy a gas mask, they come to me."

Mike Shane

While interviewing Audrey from the United States Marxist Leninist Organization (she feels we need a *new* kind of democracy in America), I spotted an attractive brunette with a temporary "Fuck Bush" tattoo on her deltoid. As I tried to chase the brunette down for a question or two, I ran into the source of the tattoo, Barry Adams, sitting on a concrete traffic barrier, wearing an American flag as a skirt, oversized purple sunglasses, and a red vinyl rain cap. He's a trans-partisan capitalist, hawking "Fuck Bush," "Fuck Gore," and four other tattoos. Politically, he likes either Ralph Nader or Alan Keyes but figures that after Clinton, who he says is "the Kennedy of our time," anyone will be a letdown.

Adams expects to sell a thousand stickers at $2 a pop over the next four days and a thousand more in Los Angeles. The money will help finance his next semester at Temple University, where he will study mass media and communications. Then he plans to head to Las Vegas to do stand-up comedy. I told him he's a mini-capitalist. "Why not?" he replied. "The government doesn't take 31 percent from *me*."

The Unity 2000 protesters were pushing sundry issues: Free Philadelphia's own Mumia Abu-Jamal, kill the death penalty, tax the rich, end police brutality, close the School of the Americas, dump the Star Wars missile defense program, etc. Such a smorgasbord is bound to generate some conflict, especially with libertarian counter-protesters and Bible babblers present.

Just as the march started to move, a group of 20 or so libertarians showed up in orange shirts with black *L*s on the front and a Lao Tzu quote, "The more prohibitions there are, the poorer the people will be," on the back. They carried signs proclaiming "More Good, Less Evil," "Big Brother Abuses Earth Mother," and "Free the Market." Like Adams, they're no fans of the Internal Revenue Service. They chanted, "Hey hey, ho ho, the IRS has got to go."

They weren't marching for 10 minutes when they got into an altercation with a representative from Unity 2000, who wanted them to march on the sidewalk, not the street, since they were counter-protesting. "Our protest is only against your means," said Kendra Okonski, the libertarian leader. The guy retorted that capitalism kills children.

Safely past the Unity 2000 rep, the libertarians ran into Andru Ziwasimon, a doctor from Albuquerque, New Mexico, who was holding a sign that said, "Privatize Our Lives, Publicize Our Resources." They stopped for a brief dialogue, although no one's mind was changed. When I interviewed him after the dialogue, Ziwasimon still wanted Canadian-style single-payer health care. Ziwasimon's friend, David Pennise, who's working on his Ph.D. in environment and health sciences at University of California at Berkeley, yelled, "Transaction costs! Externalities!" as the libertarians marched away. Nice touch, I thought. The discourse, at least, is a level up from the IMF/World Bank protests in D.C.

The altercation with the libertarians was mild compared to what Unity 2000 protesters faced just a few blocks away, where three people of faith stood with signs and megaphones. "Fornicators and Drunkards Will Join Tupac in Hell," read Stephen White's sign. A chubby, middle-aged

MICHAEL W. LYNCH

male protester, perhaps recalling better times, told White, "I'm a fornicator." This set White off: "I know you are, because you are following Al Gore," he screamed through his megaphone. "Al Gore is a Nazi who kills babies."

The march terminated at a stage, where a woman sang the national anthem and encouraged the crowd to boo. Somebody burned an American flag. I checked back with the orange-shirted libertarians, who were being led around by a man in a pink, Disneyland-style pig costume chanting, "Hey hey, ho ho, corporate welfare has got to go."

Subj: Poverty Tour of Camden
Date: 8/2/00
From: mwlynch@reason.com

I took a three-hour tour on Tuesday and ended up stranded on the Island of North Camden, New Jersey. It was a poverty tour, part of the Shadow Convention put together by the Eva Gabor of American politics, Arianna Huffington. You may have seen the media results: news stories chronicling the plight of the Philadelphia region's poorer neighborhoods, left to deteriorate when manufacturing jobs moved elsewhere.

Camden's been on my mind for the better part of this year. I've spent a good deal of time there working on a forthcoming welfare reform story for REASON—and chronicling the involuntary demolition of downscale businesses to beautify a strip of highway for the Republican Convention. If a city's demise can take on tragic dimensions, Camden's story is the Oedipus Trilogy.

So going into the tour, I had a working knowledge of the city and its problems, but I'm hard pressed to think of any solutions, partial solutions, or even effective painkillers (other than a shift from crack to heroin, the ultimate painkiller, for those still living in this miserable place). On the tour, I knew I'd get the liberal view. Perhaps *they* had the answers.

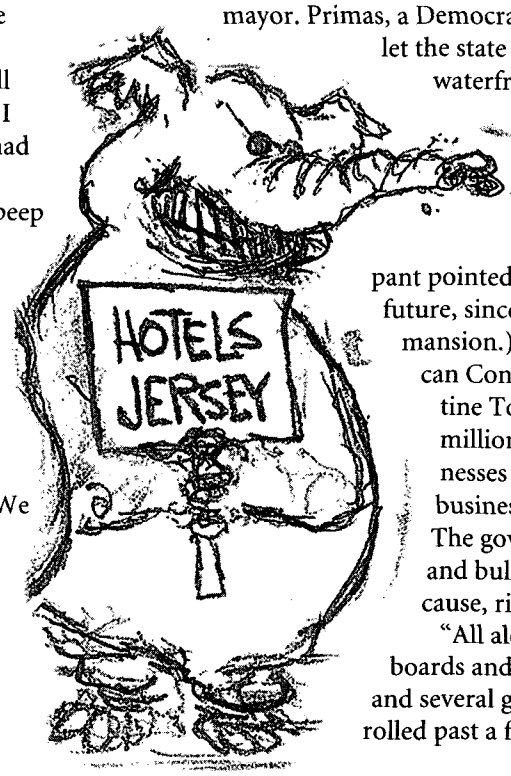
The trip was disturbingly like a poverty peep show. Fifteen journalists boarded an over-the-road tourist coach. The last time I was on such a coach I was hitching a ride with French tourists to get from Italy to France. Yet instead of peering at mansions on the Mediterranean coast, we were looking out at boarded-up buildings, sagging porches, and poor people languishing in the humidity. All from our air-conditioned comfort. We stopped to meet with community leaders who were working to solve the city's problems.

Camden is the archetypal post-industrial slum, nine square miles of almost unmitigated misery. Population peaked at 125,000 in the 1950s and has dwindled to 83,000 (and continues to drop). There are good people here: I've met many, both community activists and average citizens. But the desperation can't be imagined; it must be experienced. Building after building is boarded up, burnt-out, or collapsed. There is only one supermarket (and it's not centrally located). There are no movie theaters. There are hundreds of open-air drug markets.

City government is in complete collapse. The current mayor, an alleged drug dealer and Mafia front, is under federal indictment, the third one in recent times to find himself in such a situation. The city spends $120 million a year, but a mere $20 million is raised through local taxes.

We were blessed with two tour guides: Edward Schwartz, president of the Institute for the Study of Civic Values and a long-time anti-poverty activist, and Randy Primas, a former mayor of Camden. As we rolled out of Philly over the Ben Franklin Bridge, Schwartz set the scene. Basically, there were once good manufacturing jobs on which even those who didn't graduate from awful government schools could manage to support a family. Then those jobs left, explained Schwartz, who didn't really explain why. Those with skills left, too. Those with none stayed, and the place became an "industrial dustbowl." The government spent millions to help out, but it's still not enough—the communities need more. "There has been a lot of money spent," said Schwartz. But "the amount we received was a pittance compared to the amount we were losing, and that is true today." Schwartz's comments underscored a continuing omission when it comes to poverty: There is discussion of the jobs that left but never of new jobs created, or of why they weren't created. The hostility to business and industry —whether taking the form of oppressive regulation, rising taxes, or riots—is never mentioned.

Schwartz handed the microphone to Primas, the former mayor. Primas, a Democrat whose first act as mayor was to let the state build a prison on Camden's waterfront in exchange for a bailout, told us of a beautification project on Admiral Wilson Boulevard, one of the seediest roads in New Jersey. (In building a prison, one participant pointed out, he was planning for the future, since it could double as the mayoral mansion.) When Philly landed the Republican Convention, New Jersey Gov. Christine Todd Whitman quickly found $50 million to tear down a series of businesses and plant grass. A few of the businesses owners didn't want to sell. The government gave them no choice and bulldozed anyway. All for a good cause, right?



"All along here were nothing but billboards and hotels that rented by the hour, and several gas stations," Primas told us as we rolled past a field of grass that used to be home

to the businesses. He was proud of the government's good work, yet he was engaging in selective memory.

All the businesses he mentioned had indeed been there. But they weren't what Primas claimed. I know because I visited the owners earlier this year, before their businesses got flattened by the state's wrecking ball. (See "Eminent Domain and the GOP Convention," June.) Among the establishments: Camden's only decent (and legitimate) hotel, the Four Winds Motor Lodge, which had been bought and renovated by an immigrant named Jagdish Gupta; a brand new liquor store; a stereo speaker store; and a bunch of gas stations. All of them thrived off the road's heavy traffic. When I spoke with him, Gupta was especially critical of the plan to take his business away via eminent domain: "I'm losing everything," he said, explaining that the government was offering a below-market price for his property.

I mentioned Gupta's plight and asked Primas about the wisdom of wiping out taxpaying businesses in a city that has none to spare. "It was one of the hotels that rented by the hour," Primas declared to the bus, which simply wasn't true. "That one wasn't. I was there," I said, as Primas grimaced. A writer from *The Economist* said perhaps I shouldn't admit that, and a few ladies giggled. "That was a decision that was made," Primas pronounced. Spoken like a true politician—in the passive-authoritative voice.

Our next stop was a corner in East Camden where a public housing project is being torn down and replaced with lower-density units. A Catholic priest, Monsignor McDermott, who runs a nonprofit housing program, was our host. As the red arm of a backhoe tore down the brick building behind him, McDermott told us of his urban renewal plan to bring in middle-income residents.

Unlike New Urbanist planners, who want to squeeze us into ever-tighter quarters, McDermott says density is a problem, not a solution. There's no one but women, children, and drug dealers in the nearby housing project, he explained. "How do you propose to bring middle-income people to Camden?" I asked, knowing that when people get any money they tend to beat it out of places like Camden and never look back. I also know that the city's tax rates are twice as high as those of neighboring towns—there are so few property owners left in Camden, they get whammied. And the schools are 50 times worse than those in the suburbs, making the city hugely unattractive for anyone with kids.

I'm sure McDermott believes in miracles, and not only because he's a priest. Just listen to his plan to bring the middle class back to Camden: "Part of it is the type of houses we are going to build, and there will also be a light rail..." he told me as the backhoe tore the roof from the building. McDermott is confident because the houses will go for just $40,000, which is damn cheap for a newly refurbished house (each house, he said, costs roughly $100,000 to buy and fix up). But there's no rush to get into Camden, even though buyers can rely on a steady stream of government cash and incentives.

Back on the bus, I asked about the role high taxes play in keeping residents and businesses out of town. Primas told a story involving the bank for which he now works. The bank has identical buildings in Camden and a neighboring suburb. The taxes for the suburban branch, which does much more business, are $20,000 per year. The taxes in Camden are $40,000. The same is true for homeowners, though on a smaller scale. Primas drew no practical lessons from his example, however. High taxes, especially on business, seem to be, if not a force of justice, then a force of nature.

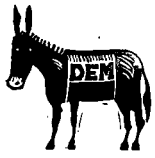
I'm sure Monsignor McDermott believes in miracles, and not only because he's a priest. After all, his plan involves bringing the middle class back into Camden.

There is a recognition that money isn't the only answer, yet that's the only model the politicians know. "Certainly money isn't the issue," said Primas of the schools. "We're spending $11,000 a student"—a sum that would come close to paying tuition at some of Jersey's better private academies, if not its swankiest prep schools such as Lawrenceville or Peddie. Yet Camden's schools don't even have a superintendent—you literally can't pay anybody enough to stay in the position—and kids drop out in droves.

We continued to drive around the city in comfort, being told of myriad government programs and reminded that it is the government's discretionary spending, the very spending the Republicans meeting in Philly want to cut, that keeps these people alive. The final destination on our tour was North Camden, home of Riverfront Prison and many nonprofits working to revitalize the area. We passed the historic home of Camden's founder—now in a city park—which is appropriately burnt down. We saw boarded-up building after boarded-up building. "Despite the challenges you see," Primas told us, using *challenge* as a euphemism for abandoned houses and litter-strewn lots, "the section looks 50 times better."

We ended with a presentation at a refurbished home site. Presenter after presenter told us what they were doing to make the neighborhood more comfortable. It's been a decade, and they finally have financing for a housing market. Everything involves massive government subsidies, which have worked so well...where, exactly?

I wish these folks success, and I hope they have the answers. I just don't think they do.



Subj: The Protests
Date: 8/15/00
From: mwlynch@reason.com

Lowell Fletcher and his girlfriend set out for Los Angeles from Kansas 12 days ago, their thumbs extended on the side of the road. It took them a while to get picked up, but the hitching got good soon enough, and a series of trucks and cars got them to L.A. in time for the protests at the Democratic National Convention.

Despite living in the most prosperous era in the most prosperous country the world has ever known, Fletcher, 19, said he's neither happy nor prospering. "I absolutely don't feel free," he told me in L.A.'s Pershing Square, the staging area for the protesters. "I have to watch my back for the cops. I have to work to pay my rent. I only travel twice a year. I have people over me."

There's a reason Lowell has to watch his back. He's running with the now notorious Black Block, a loose confederation of young anarchists. He was with them in Seattle and D.C. "Seattle was empowering," he told me, in language borrowed from Lawrence, Kansas, the college town he calls home. "But it hurt, too." D.C. was just a disappointment, he added, because his tactics failed.

By now, all the reporters know to follow the Black Block: That's where the action is. If car windows get smashed, it'll be them. If the police line is charged, chances are it'll be by people dressed in black, their faces covered with signature black bandannas. Those are the tactics of which Lowell spoke. The cops know about the Black Block too. Later, when the march set out for the Staples Center, the LAPD flanked the Black Block; the cops went so far as to clear local onlookers from the sidewalks as the marchers passed.

Lowell's a well-spoken, intelligent guy. He became interested in radical politics through the punk scene, and he's envious that I, 11 years his senior, used to regularly catch such bands as Suicidal Tendencies, the Circle Jerks, Seven Seconds, and Social Distortion years ago. He wants to be a teacher but says he can't afford college out of pocket and is unwilling to take out loans for that purpose. He feels hemmed in, oppressed. He takes his intellectual inspiration from Noam Chomsky and Emma Goldman. He recently saw former Dead Kennedy frontman and failed Green Party presidential candidate Jello Biafra read poetry.

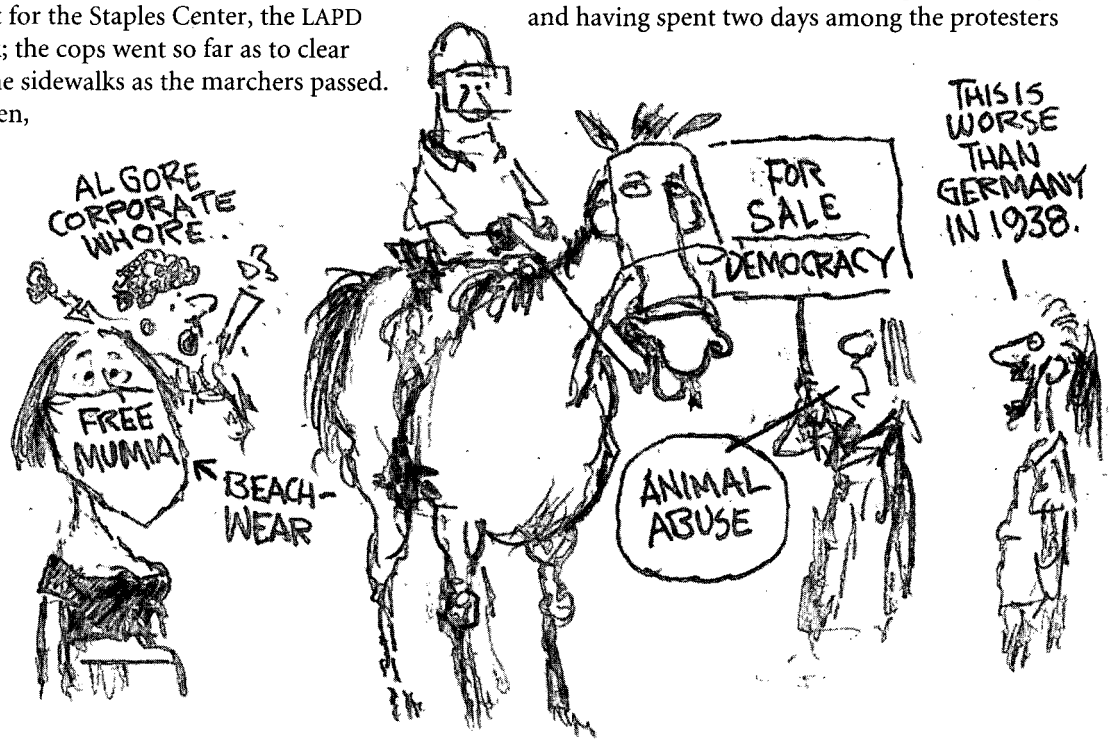
"I'm an anti-capitalist," he told me, as the So-Cal sun baked us both. "I support autonomous communities, power at the local level, not the state." He said he wants to get his message out to the people in the streets and especially to the suits in the offices. But when I asked him what his message was, he replied, "I couldn't give that to you. So much needs to change."

I pushed him on the issue of "freedom," asking him what system other than capitalism provides more individuals with more freedom to find meaning, pursue their happiness, and live life on their own terms. He said he hasn't studied the other prime alternatives—Castro's Cuba, Tito's Yugoslavia, Mao's China, Soviet Russia, post-colonial Africa—and he got upset because he thought I was implying that he's a socialist. Yet he's sure that other things could work. At rock bottom, what he seems to want is not simply a guaranteed income but guaranteed success.

"There's a lot of things I want to do, but since I have to work for money they're just not options," he told me, as we walked toward a returning march dedicated to saving trees. "I'd like to be a musician, but I can't make enough money. I want to be a writer, but I can't make enough money. So I have to serve coffee to rich people."

I pointed out that people do earn livings both as musicians and as writers. But that's no good. "Even if you're a major musician, you have to do what someone else wants," he complained.

Lowell is just one data point—and I make no claim that he represents the General Will of the protesters. But having been of like mind in high school and part of college, and having spent two days among the protesters



recently in D.C., a day with them in Philadelphia, and another with them in Los Angeles, I don't think he's an exception either.

Many protesters are kids raging not against the machine per se. Rather, they're upset that growing up entails a series of bitter disappointments. First, they find out that there's no Santa Claus. Then they figure out that one has to work to eat and to make rent, that having more free time generally means having less money, and that fame and success aren't a birthright, not even in America. You've got to earn everything, and that, they conclude, just sucks.

In the evening, I marched with the protesters to the Staples Center. On the way, I witnessed the cops mindlessly moving onlookers off the sidewalk and onto the street, even though they were simply shopping or working and had no active interest in the march. I witnessed protesters mindlessly taunting cops, who are working 12-hour shifts, plus overtime if they want it, every day in the unbearably hot sun. "Racist, sexist, anti-gay, LAPD go away!" chanted a woman at the front of the march as we passed an intersection secured by the cops. Just for effect, she also threw in "Fascists!"

The big confrontation came a couple hours later, as President Clinton delivered his farewell address to the adoring crowd inside the Staples Center. The radical chic band Rage Against the Machine, which had put on a free concert, had finished raging, but their machines still hummed with electricity. The cops, upset that some protesters were climbing the fence that separated them from the Staples Center, pulled the plug on the stage, announced that the fun was over, and ordered people to leave in 15 minutes. Many left, but some didn't, choosing instead to start fires, climb fences, and chuck bottles and softball-sized chunks of concrete at police officers.

Depending on whom you believe, it was after five to 10 minutes (according to protesters) or after more than 15 minutes (according to the cops) that the LAPD charged in on horseback, firing crowd-dispersing foam-rubber bullets. When I left the Staples Center after Clinton's speech, the fires were still smoldering, and chunks of concrete and partially filled bottles of water littered the area just outside the protest zone. The cops had the area secured, and the exits through which conventioneers had to pass were horribly congested. "The protesters are throwing bottles at us," a cop told me, as I complained about the clogged exits on the way out.

The LAPD arrested 152 people Monday. I don't know if Lowell Fletcher was among them. But I do know that we are no closer to living in a world in which he doesn't have to work to pay rent.

Subj: Poverty, L.A. Style
Date: 8/18/00
From: mwlynch@reason.com

If you have to live in a ghetto, make sure it's on the West Coast, preferably in Los Angeles. Whatever you do, get out of Camden and Philadelphia, even if it means a week on a Greyhound.

Living in East Coast ghettos—the kind I've toured in Camden, seen in Philadelphia just a few blocks from downtown, and lived near in D.C. and New Haven, Connecticut—means living in an attached rowhouse or a cinder-block housing project. Chances are the rowhouse will be attached to a burnt-out, crumbling unit on at least one side. Chances are an apartment in a housing project will have the same problem. Living in South Central Los Angeles, however, means living in a detached, single family house—possibly even a Craftsman.

Living in an East Coast ghetto means living by abandoned cars, stripped of anything of value, such as wheels. Living in South Central L.A. means living next to an auto repair shop. Driving through Camden, you fear that your car may break down. Driving through South Central, you worry that people may want to fix it cheap.

Poverty has a different look out West, as I learned when I took two tours of the infamous South Central area during the Democratic convention. Last Sunday, I boarded a bus chartered by the Figueroa Corridor Coalition for Economic Justice, a "smart" development group that hates the University of Southern California and the Staples Center. Our focus was on a northern area of South Central, a 60-square-mile part of sprawling L.A. (By contrast, the entire city of Camden is only nine square miles.) On Tuesday, I traveled under the auspices of the Shadow Convention, whose tour, titled "On the Frontlines: South Central and the War on Drugs," promised a look at two areas in South Central affected by the crack epidemic.

"I absolutely don't feel free," the protestor told me. "I have to watch my back for the cops. I have to work to pay my rent. I only travel twice a year. I have people over me."

Political conventions provide advocacy groups a perfect opportunity to grab an audience and show them some sights. If you're a large corporation in search of legislative and journalistic goodwill, that means renting a hall or restaurant, hiring a caterer and a band, and filling up gift bags to hand out when your drunken guests stumble home

at the end of the night. If you're a community advocacy group dependent on federal money to keep your program going, you charter a bus, fill up folders with press clippings, and take a group of media types through areas they would be too timid to visit on their own. If you're pretty flush with cash, you pass out bottled water. You also supply the press with real-life victims.

During Saturday's tour, Felipe Perez, who works in L.A.'s garment district, boarded our bus in front of his apartment building, which is a block from the Staples Center. He was our first victim, a man with a series of problems caused by the development of the Staples Center and the events that it houses. The Democratic convention is causing him much worry, he told us through an interpreter. He's worried about the use of pepper spray and tear gas on the protesters, since his building has no air conditioning and residents must keep their windows open. He's worried about parking. He's worried that residents of the building may have to show papers to get inside the secure area where their apartment is. (Many are illegal and don't have any identification.) He's worried about parking, since street parking is temporarily eliminated and his building doesn't have a garage.

L.A. protesters

Perez's presentation is moving. His building is indeed stranded, a loud yell away from the California State PTA building and the Staples Center but not much else. Other nearby buildings having been bulldozed in the name of progress. Perhaps they should have taken his, or not taken the others. I don't know the specifics. I do know that if the lack of air conditioning and parking bothers him, he needs to move. For better or worse, the Staples Center isn't going away and, from the looks of his building, his landlord isn't the home improvement type.

After Felipe stepped off the bus, we rolled south through the western portion of downtown. Gilda Haas, our tour guide, pointed out New Urbanist developments that create "walkable" areas combining businesses and residential areas. She made note of the high rents, which the locals can't afford. The developments are designed to attract yuppies, she said, but it's tough, since the neighborhood doesn't have such amenities as a supermarket, good restaurants, and the urbane watering holes that attract that species. (It does have a strip club). The Federal Reserve building sits abandoned, a Camden-style sign of blight, which was a cause for worry until Haas pointed out the new Federal Reserve building not far away. You just don't see that kind of rejuvenation back East.

Haas' biggest beef is with USC, which, she said, has been taking advantage of the community for nearly 30 years. Some of her gripes appear legitimate: USC is in a redevelopment area, which makes it eligible for government money and gives public officials the power to condemn private businesses and give the land to other private businesses. Guess who gets the prime land? USC, which according to Haas lets some parcels sit empty after securing them. Some of her complaints have to do with incompetent, not insidious, government. There's no pool in the area because the city can't seem to maintain it. That's government failure, too.

I was less moved by Haas' other complaints. As we passed a beautifully maintained pink house, she pointed to it as part of the problem. A USC professor lives there, you see, and he's committing the sin of buying up neighborhood property, fixing it up, and renting it to students. He owns much of one block and a Jaguar to boot, which elicited disapproval on the bus.

Other "problems" are simply vexing realities. The area has few banks or large supermarkets but plenty of corner stores and check cashing outlets. An El Salvadoran department store chain has a huge store there that extends credit, as does a furniture store. But the credit is dear—24 percent—which Haas feels is unfair. There is a local, black-owned bank that's trying to compete in the market. I asked her how it's doing, but she didn't know.

As we headed deeper into South Central on the second tour, something unexpected became clear. On the face of things, the area appears to be less of a ghetto than a suburb with small yards. It's certainly short on parks and green space, but so is the entire city.

Don't get me wrong: Most people probably wouldn't choose to live there. The houses are small by today's standards, although I saw some nice homes that reportedly sell for $120,000. But unless you are particularly scared of black and brown people, you wouldn't fear driving through it. You may even get out of your car to buy something: Unlike Camden, there are plenty of wholly legitimate businesses in South Central.

The folks guiding us journalists seemed a bit sensitive about all the commercial activity. This seems like a pretty vibrant working-class community, I said as we rolled past auto repair shops, new gas stations, fast food joints, furniture stores, and places to cash paychecks. Mary Lee, one of the Shadow Convention's tour guides, got a bit defensive. This may not be as gritty as some East Coast slums, she

MICHAEL W. LYNCH

granted. But she insisted that compared to other areas of L.A., the neighborhood sucked. In particular, she's bothered by the "mixed-use" nature of the area—industrial businesses and auto-shops are close to houses—and she assured me that many of the businesses were marginal and likely to fail. "Poverty is a relative thing," she told me, expressing a bit of ghetto envy. "People still need to feed a family here on $5,000 a year," she said, later adding, "Transit here is abominable."

Lee estimates that after the riots here during the 1960s, 70,000 to 100,000 jobs disappeared. By the time South Central erupted after the 1992 trial of the cops who beat Rodney King, the area was most distinguished by its number of liquor stores: 728 stores sold booze to the area's 500,000 residents, compared to 280 in Rhode Island, a state with three times as many people at the time.

housed traveling blacks denied service by white hotels (including jazz musicians who entertained in them) now house prostitutes and drug addicts. We stopped at the Palms Motel, which owner Kevin Pickett converted from a seedy motel to a nonprofit home for HIV-positive men from the neighborhood, some of whom have a roof over their heads for the first time in years. We met a 38-year-old former drug addict who's been blinded by AIDS. While he's lost his sight, he's found God, and he's feeling better than ever. "When I leave here I know where I'm going," he told us, leaning on his cane and clutching a bottle of laundry detergent in his other hand. "I like being here. I was able to start my life over again."

The impact of crack and heroin can't be escaped on this stretch of road. Groups of addicts band together to rent rooms in the hotels across the street. They stay inside

The impact of crack and heroin can't be escaped. Groups of addicts band together to rent rooms in the hotels, shooting and smoking drugs until they are broke and out on the streets again.

To give credit where it seems due, one reason South Central doesn't live up to its wasteland reputation these days is because of the work that groups like this are doing to make the area more livable. Our first stop on the drug war tour was the Community Coalition, a group that started organizing homeowners to challenge the renewal of liquor store licenses after the 1992 riots. Now, I'm all for liquor stores. I like nothing better than to pick up a tall boy on the way home from work. I'm one of those people who drink out of a brown paper bag on the sidewalk. And I respect private property. But these folks claim not to spray random bullets at businesses. They target what they call "comfort zones" around "nuisance businesses." A representative of the Community Coalition explained, "It's a place where you can pick up a woman, buy a 40-ounce bottle of malt liquor, and go to the Trojan hotel for $5 an hour, and they'll give you a condom." One problem store even supplied cups with ice in them so customers could drink outside.

Solomon Rivera, the Community Coalition's associate director, explained that the group operates under a version of social theorist James Q. Wilson's "broken window" theory, which holds that minor breakdowns in civility and appearance (e.g., tolerating loitering and not fixing broken windows) fuel bigger problems. The group works with community leaders to identify businesses causing problems for neighborhoods. It's a long process, and they first try to work with business owners before seeking a license revocation. So far, they've managed to get 40 businesses to convert from liquor to other products.

There are still many tough areas in South Central where the impact of drug and alcohol abuse is evident. Our last stop was a strip of Figueroa Street where motels that once

shooting and smoking drugs until they are broke and out on the streets again. Shootings aren't uncommon; people do their business on the street. "Kids are forced to walk in front of people who are intoxicated and defecating on the street," said one man who grew up in the area.

Our visit was part of a pro-legalization drug tour, so I decided to ask these folks, the people who use and live among drugs, what they think about legalization. "I don't think they ought to legalize them," said John Taylor, a 74-year-old drug counselor. Taylor showed me the deep scars on his forearms earned from the 23 years he spent shooting heroin. "Heroin makes you steal from your parents, your best friends," he said. "It's a monster."

I broached the question inside, where another woman was talking to the entire group. She dodged the question, saying something about how her focus was on "harm reduction." A drug counselor said legalization would make neighborhood problems worse. I noticed Rush Limbaugh's *See, I Told You So* on a bookshelf in the common room.

These unenlightened views upset a middle-aged man in our group. He tried to educate the drug counselor, a former cocaine addict, on the benefits of drug legalization. He seemed surprised when his logical arguments made little progress.

As we boarded the bus and headed back to the Staples Center, I realized that you never know what you are going to learn when you leave the office and head into the world. This guy learned that former drug addicts and individuals who live in areas where drugs are sold often don't think they should be legalized. I learned that South Central L.A. is a large, vibrant, and diverse area. I say move there. The real estate is inexpensive, and it's an area on the rise.

Texas' Big Test

Why public school progress in the Lone Star State is less than miraculous

By Jerry Jesness

According to Gov. George W. Bush, his state has enjoyed a "Texas miracle" in education under his watch, a renaissance in learning that could sweep the United States if he's elected president. With nonwhite students' scores rising on the National Assessment of Educational Progress, a test sometimes called the nation's report card, friendly pundits have declared Texas a scholarly Shangri-La for blacks and Hispanics. Douglas Carnine, a professor of education at the University of Oregon and a Bush adviser, has boasted, "If you're a minority, move to Texas."

But as Bush touts this record and other states move to mimic his state's approach, a closer look at test scores in Texas reveals a more enigmatic picture. According to the state's own basic skills tests, young Texans have made tremendous academic gains in the past decade. Scores on college entrance exams, however, have stagnated during the same period. In SAT scores Texas outperforms only Georgia, the Carolinas, and the District of Columbia. ACT scores, while a bit better, are tied for 39th place—hardly an impressive showing. Texas SAT scores have risen slightly in the past decade, but not as much as the scores of the nation as a whole. And while fourth grade math scores and eighth grade writing scores are near the top of the National Assessment of Educational Progress, other NAEP results are middling or below average.

Heaven knows, things could be worse. When I began teaching in Texas in 1983, a large chunk of the population was simply written off as either unteachable or unworthy of an

education. These "low-group" classes bore little resemblance to the academic-track classes just a few hallways over.

In the low-group ghetto, one of my colleagues showed popular movies four days a week. A class down the hall was constantly basing art projects on the works of literature the higher-track students were actually reading. Interruptions were frequent. The intercom blared constantly. Afternoon classes were dismissed for even junior varsity sports events, and large numbers would be excused to be practice heads for cosmetology class. Frequent absences were tolerated.

Back then, supposedly enlightened educators "understood" that the poor, the disadvantaged, and the culturally different learned in their own way and thus were to be held to a lower standard. Just as the legal system meted its weakest punishments to those who committed minority-on-minority crime, the state paid scant attention to minority administrators who mismanaged minority schools. Most important, the students themselves accepted, in fact sometimes demanded, inferior standards. Naively convinced that the purpose of study was to serve one's time and receive a diploma, they were content to rot in undemanding corners.

That all changed in 1984, with the creation of the Texas Educational Assessment of Minimal Skills, which established a minimum standard for graduation. Soon thereafter, this was replaced with an only slightly more difficult test, the euphemistically-named Texas Assessment of Academic Skills. The state also separately monitored the scores of different ethnic and economic groups, creating a system that assured that all high school graduates would possess at least a solid elementary school education. For setting this minimum standard and holding even its worst students to it, Texas deserves to boast.

Unfortunately, this approach has fostered two less worthy phenomena: Many of our schools now devote extraordinary amounts of time to preparing for the TAAS. And some schools are now so focused on the formerly ignored groups that education for average and above-average students is suffering.

The amount of time spent on TAAS preparation varies from school to school, but few, if any, are untouched. In suburban districts, teachers complain of having to dedicate substantial blocks of time—maybe one or two days per week, maybe the first 20 minutes of each class—to TAAS. In inner city and rural schools with substantial minority enrollments, real textbooks are being crowded out by such titles as *TAAS Coach, TAAS Master, TAASPrep, TAAS Student Strategy Guide, Breaking the TAAS Code, Step up to TAAS,* and *Book and Brain for TAAS.* While some of this test preparation is genuinely academic, much simply reviews below-grade-level basics or, worse, imparts mere test-taking gimmicks.

The following "reading strategies" are among those that other teachers and I have "learned" from consultants and TAAS preparation materials over the past 10 years:

- Number every paragraph and line of a reading passage and then write the line and paragraph number where the answer is found next to each question.
- Highlight words in the text that match words in the questions or the answer choices.
- Work backward, plugging each answer into the question if appropriate.
- Learn key phrases that in released TAAS exams indicate whether a question can be answered by matching words in the text with words in the answer choices. If so, highlight matching phrases. Unless there are contrary signals, assume that the matching choice is the correct answer.
- Ask yourself, "Could I be expected to know that?" If not, look for answers in the text.

At one workshop, a consultant showed us a practice passage for eighth grade students and asked us to apply the last strategy. The question related to the presidential election of 1864. Faced with such a question, we were told, students should understand that such knowledge would not be expected of them, so they should look for the answer in the passage. Sure enough, we found a table that showed that the winner was Abraham Lincoln.

In some schools, children who have read no more than a handful of books in their lives spend their reading classes—and part of their social studies and science classes—in this manner, sometimes taking an entire hour on a single page.

The writing strategies aren't much better. For instance: "Since a student is more likely to make mistakes when writing compound and complex sentences, avoid them. Meet TAAS writing standards by using at least one adjective per sentence and one metaphor per paragraph."

Let me rephrase this for readers who are recent graduates of Texas public schools: "Long sentences are hard. They make you make very bad mistakes. Make your sentences as easy as cherry pie. Then you will always be correct. Use exciting describing words. Use nice phrases with the words 'as...as.' Then you will always write good TAAS essays."

And the math strategies?

- Draw a picture that represents the problem. If 25 people are traveling in five cars, draw five cars, and mark in them, one at a time, until you reach 25. The number of marks in each car will be the number of passengers.
- Learn the "TAAS code." *Total* usually means add but occasionally means multiply. *More, less,* and *difference* usually mean subtract. If the question includes the word *equally,* the operation will probably be division.
- If there are two numbers in the problem, and one is very large and the other is very small, the operation will probably be division.
- Work backward from the answer choices. Plug them into the problem if appropriate. Decide which answers are unreasonable and eliminate them.
- Always use the picture provided.
- Make a chart.
- Do not rely on your knowledge of number facts. If you are unsure, draw and count sticks. Remember that the TAAS has no time limit.

Math students may likewise spend an entire hour solving a few simple arithmetic problems, each in various ways: with real math, then with pictures, then with sticks, then with a chart. Such students are poorly prepared for algebra, or for

that matter any career that involves keeping track of inventory or making change. But they do well on the TAAS.

Again, these gimmicks are not merely part of the curriculum. In some Texas schools, they have become the curriculum. Most frightening is that these practices have vocal defenders, those who will tell you that disadvantaged students need to know these tricks to compete with their peers, or that such instruction actually covers necessary basics.

What about the tremendous progress minorities are supposed to be making? It's real, but there's less than meets the eye. Blacks' and Hispanics' TAAS and NAEP results are improving nicely, but their college board scores are not. In fact, SAT scores for Texas Hispanics have actually dropped slightly in recent years. Apologists claim that this is due to rising numbers of Hispanics taking the SAT, but the increase in Hispanic SAT takers is in line with the increase in the Hispanic population.

Schools are ranked as "recognized" or "exemplary" based on their TAAS scores despite having combined SAT scores that average in the 800s or ACT scores in the teens. Texas' Region I, an area that stretches along the Rio Grande from the Gulf of Mexico to Laredo and is the most Hispanic area in Texas, saw SAT scores drop from 1993 to 1997, a period in which scores rose slightly nationally.

Although minority and low-income students are overrepresented at the bottom of the academic scale, it is a mistake to equate minority status with poor academic performance. While our Rio Grande Valley schools—the eastern portion of Region I—often host teenaged immigrants from Mexico who have only had a few years of primary school, and some who have attended no school at all, we also receive many immigrant students who are far superior academically to those who are American-born. Students who have attended *escuela prepatatoria*, the Mexican equivalent of an American high school, tend to perform at a much higher level than their American-educated peers.

So it's interesting to note immigrant parents' reactions to the Texas schools. My next-door neighbor, a native of Monterrey, Mexico, complains that, although the Texas Education Agency has deemed her son's school "exemplary," he was still adding and subtracting by drawing and counting sticks long after his cousins in Monterrey had learned their basic math facts. Another acquaintance, a former business professor from Instituto Politecnico in Mexico City who had come to Texas to manage one of the ubiquitous border-area plants where Mexican workers assemble American parts, was shocked when his daughter, who had been studying algebra in Mexico, was now "learning" how to add fractions. Another, a former Monterrey teacher, lost her job teaching nominally gifted students at a Rio Grande Valley elementary school after screaming at her principal, "What's the matter with them? Are they retarded?"

Then there's Eloisa, who teaches a bilingual class in a Dallas suburb. "Third grade is focused completely on TAAS," she recently wrote to the Teachers' Chatboard, an Internet group. "I'm a third grade teacher and that's all I do. I hate it, but I'm under pressure to do it. The bad news is that 4th, 5th and so on are also focused totally on TAAS. Last week I performed a little experiment: I gave my third grade students 4th, 5th and 6th grade TAAS tests (Reading). The results: 19 out of 21 passed the 4th grade test, 16 passed the 5th, 11 passed the 6th. Conclusion: Public schools aren't designed to...impart knowledge, but to teach strategies to pass a stupid and useless test....My honest advice: homeschool your kid or send him to a private school."

It's good that the members of Texas' education underclass can now figure their own restaurant bills and can read warning signs. But such modest success shouldn't be confused with a miracle.

Texas' education establishment now knows that virtually all children are educable. That does not seem like a major epiphany, but it has improved instruction for the state's worst students, minority and otherwise. If we were to compare the academic levels of the bottom 40 percent of students in each state, I suspect that Texas would come out near the top. If we compared the other 60 percent, I suspect that we would come out near the bottom. Our SAT and ACT scores seem to bear this out.

Few teachers, students, or parents believe that there has been a Texas miracle, but educrats and politicians are shouting this message from the rooftops. Since test scores are up, they say, it's time to praise the teachers, promote the administrators, and send Gov. Bush to the White House. And don't forget: Good TAAS scores are great for the property values in your neighborhood.

It's time for a reality check. It's good that the members of our education underclass can now figure their own restaurant bills and can read warning signs, T-shirts, and TAAS passages. But such modest success shouldn't be confused with a miracle. ◆

Jerry Jesness (jjesness@hiline.net) is a special education teacher in Texas' Lower Rio Grande Valley.

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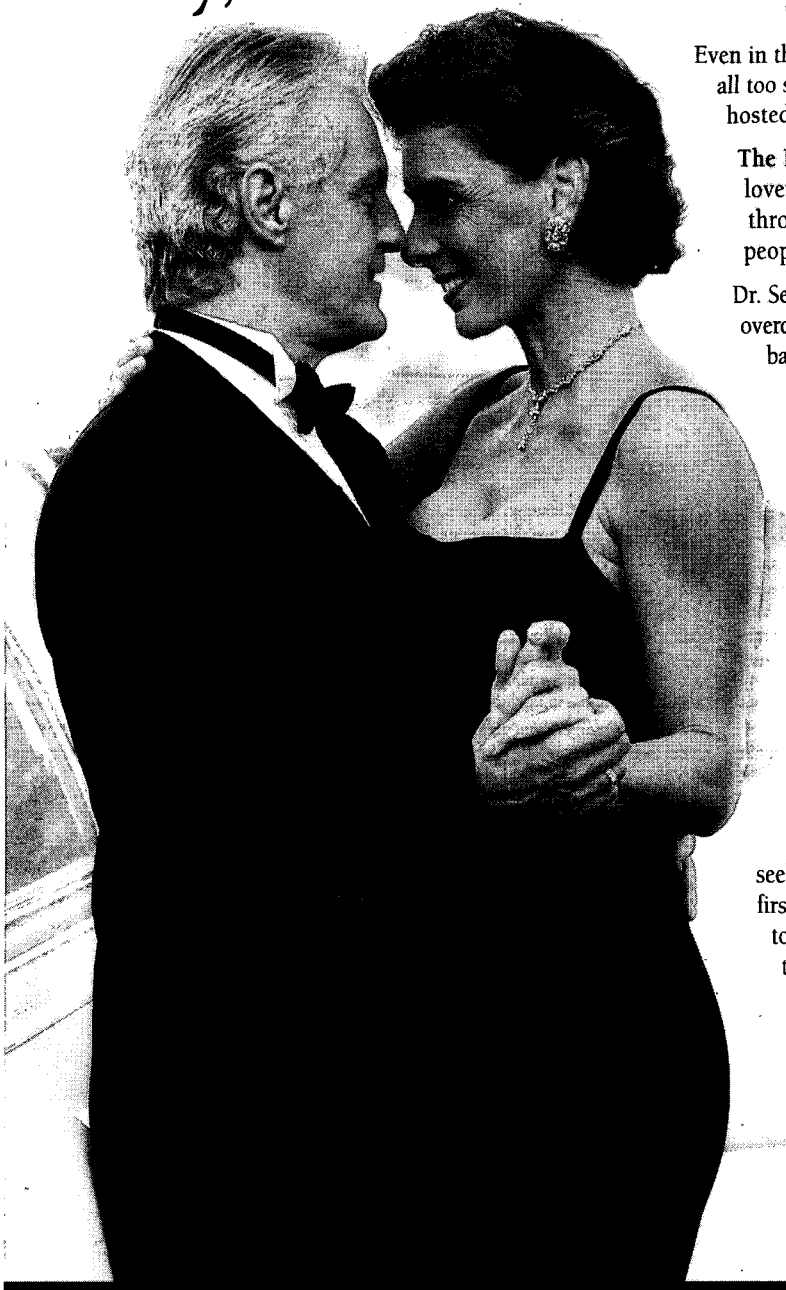

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AFTER THE CRASH

The alcoholism treatment establishment uses a drunk driving accident to silence dissent.

About 6 p.m. on March 25, Audrey Kishline was driving west on the eastbound side of Interstate 90 near Seattle when her Ford pickup truck collided head-on with a Dodge coupe occupied by Richard Davis, 38, and his 12-year-old daughter, LaSchell, killing both of them. Kishline had a half-empty vodka bottle on the seat beside her when police found her, unconscious, in her truck. Her blood-alcohol level was 0.26 percent, more than three times Washington's legal limit for drivers. Three months later, she pleaded guilty to two counts of vehicular homicide in Kittitas County Superior Court.

The crash, however tragic and avoidable, would have been no more newsworthy than the thousands of other drunk driving accidents in which Americans are killed each year were it not for the fact that Kishline is the author of the 1994 book *Moderate Drinking* and founder of Moderation Management, an organization aimed at helping problem drinkers control their alcohol consumption. (I wrote an introduction to the book and served as an adviser to M.M.) To longtime critics of the "controlled drinking" Kishline espoused as an alternative to the abstinence urged by Alcoholics Anonymous and its imitators, the crash was a vindication. The National Council on Alcohol and Drug Dependence (NCADD)—a private group that, like A.A., considers alcoholism a disease that can be controlled only through abstinence—gloated in a press release that Kishline's crash taught a "harsh lesson for all of society, particularly those individuals who collude with the media to con-

By Stanton Peele

tinually question abstinence-based treatment for problems related to alcohol and other drugs."

Yet Kishline's one brief statement to the press revealed some facts that ran counter to the NCADD's interpretation. "Two months before the crash," *The Seattle Times* reported, "she dropped out of the [M.M.] program and joined Alcoholics Anonymous. But it wasn't long before she was consuming so much wine at night she would drink herself to sleep." In other words, Kishline, who belonged to A.A. before founding M.M., had returned. Only then, it appears, did her drinking veer out of control.

Audrey Kishline's story embodies centuries of American conflict over alcohol in which teetotalers have repeatedly clashed with advocates of moderation.

Of course, it is as unfair to blame A.A. for the Kishline tragedy as it is to blame M.M. She was apparently experiencing family and financial difficulties that had thrown her life off kilter after seven years of moderate drinking. While M.M. attracted media attention, it had never provided a reliable source of income. Kishline's husband was an itinerant businessman, and she had moved with him four times in the previous seven years. They and their two young daughters ended up living with her in-laws in a small town outside Seattle. But whatever the circumstances of Kishline's relapse, it is a mark of ideological intransigence and intellectual dishonesty that critics such as the NCADD do not note that she was regularly attending A.A. at the time of the crash.

Kishline's story is not just a tale of personal despair and failure. It embodies centuries of American conflict over alcohol in which teetotalers have repeatedly clashed with advocates of moderation. Having failed to impose their vision on the rest of the nation through Prohibition, the forces of abstinence nowadays focus mainly on problem drinkers, insisting that they renounce alcohol rather than try to use it more responsibly. This stubborn position overlooks substantial evidence that the sort of moderation training once advocated by Kishline can succeed where abstinence fails.

The A.A.-style abstinence approach dominates American treatment programs. A 1997 survey of private treatment centers found that 93 percent followed A.A.'s 12 steps (which include admitting that one is "powerless over alcohol") and 99 percent insisted upon abstinence. The belief that alcoholics must abstain is so ensconced in American folklore that contrary research findings tend to produce angry responses.

In 1976, a RAND Corp. study found that 22 percent of alcoholics were drinking without problems 18 months following treatment, compared to 24 percent who were abstaining. Luther Cloud, board member of the National Council on Alcoholism (the NCADD's forerunner), claimed the RAND study would lead to "death and brain damage" among alcoholics. Yet in a four-year follow-up study, the RAND investigators found that many alcoholics continued to drink without problems. Indeed, for some categories of alcoholics, abstainers were at greater risk of relapse than moderate drinkers.

The RAND researchers simply reported on patients in federal alcohol treatment centers, all of which were abstinence-oriented. But in the early 1970s two psychologists, Mark and Linda Sobell, had published research showing that alcoholics they treated with moderation techniques fared better than alcoholics treated in a standard hospital abstinence program. In 1982 three researchers, led by psychologist Mary Pendery, published a rebuttal of the Sobells' work in the prestigious journal *Science*, charging that the Sobells had misreported their data and that subjects trained to drink moderately often relapsed. The Pendery group's accusations led to a series of investigations by the Canadian Addition Research Foundation, the U.S. Alcohol, Drug Abuse, and Mental Health Administration, and a congressional subcommittee, all of which exonerated the Sobells of wrongdoing. As a result of the investigations, the Sobells' finding that the abstinence-trained alcoholics had more relapses was actually reinforced.

In a disturbing postscript to this episode, Mary Pendery was shot to death in 1994 by an extremely intoxicated lover who had been treated by the hospital program where Pendery had worked. This incident, which on the face of it did not reflect well on the abstinence approach, did not get anything like the attention attracted by Kishline's crash, which was widely cited as evidence that alcoholics cannot learn to moderate their drinking and so must abstain. A closer look reveals a more complicated story.

At 43, Audrey Kishline had had a drinking problem for years. After treatment with two inpatient alcohol programs, a series of counselors, and A.A., she concluded that there was a better way. In the summer of 1993, she contacted me and several other nontraditionalists in the alcoholism field for assistance in creating her own support group.

The psychologists whose work Kishline consulted

contended that there were two groups of alcohol abusers: alcoholics who display the full array of symptoms, including tolerance and withdrawal, and less severely afflicted "problem drinkers," who encounter personal, family, social, work, or legal problems due to drinking. Moderation Management was explicitly presented as a support group for "problem drinkers" who wanted to reduce their drinking to safe levels (quite low ones of, at most, nine drinks weekly for women and 14 for men). In the aftermath of the RAND and Sobell controversies, it was only with such drinkers that behavioral psychologists would dare to attempt moderation therapy, since using that approach with drinkers identified as alcoholics would have invited intense professional criticism and raised the possibility of legal liability. Even so, such psychologists deviate significantly from the disease model, which holds that even a taste of booze sets off a craving in an alcoholic that inevitably leads to excess. Instead, they view problem drinking as a learned response to stressful situations and negative feelings.

Many therapists and support groups are saying, in effect, "If you make a mistake, you might as well give up all restraint—taking a drink, getting drunk, and driving drunk are all equivalent."

You wouldn't think that traditional, 12-step alcoholism counselors would object to moderation for problem drinkers, since they themselves maintain that it is only *real* alcoholics who need to abstain. But this seeming agreement masks longstanding conflicts, because both sides say it is impossible to know for sure, before the fact, which drinkers need to abstain and which can learn to drink moderately. Thus when Sally Satel, an anti–disease-theory psychiatrist, defended moderation training in *The New York Times* after Kishline's guilty plea, she undermined her own argument by saying, "The distinction between the problem drinker and the alcoholic, while not razor sharp, exists." Since the line is hard to draw, 12-step advocates argue, therapists should err on the side of caution by urging everyone with a drinking problem to abstain.

When Caroline Knapp wrote about the Kishline case for *Salon*, she was certain that alcoholics can never moderate, because she had tried and failed. Knapp—author of *Drinking: A Love Story*, which details her alcoholic degradation and redemption through A.A.—cited no research to support her claim. But what was most remarkable was how similar her language was to Satel's. "If an individual has crossed the line, admittedly fuzzy, into alcoholism," Satel had written, "then the risks of allowing someone to have an occasional drink or two become too high." Knapp wrote, "The line between problem drinking and full-fledged alcoholism may be blurry and difficult to discern—certainly it's difficult for the drinker to accept—but once you've passed a certain point in your abuse, moderation simply ceases to be an option."

The problem drinker/alcoholic dichotomy is a vague approximation of reality. Although the American Psychiatric Association classifies alcohol disorders as either "alcohol abuse" (i.e., problem drinking) or "alcohol dependence," most investigators and clinicians (especially those outside the U.S.) prefer to place drinkers along a scale, based on a combination of social problems (e.g., arrests, fights) and medical symptoms (e.g., withdrawal-induced "shakes"). According to this incremental view, the more severely dependent the drinker, the less likely moderation is—at least without the passage of substantial time.

Even that formulation is overly reductive: Several teams of researchers in the United Kingdom, for example, have found that problem drinkers' beliefs—whether they see themselves as "powerless," for example, or whether they think a single drink will set off a relapse—influence whether abstinence or controlled drinking is the more attainable goal. In other words, the very subjective elements that American alcoholism treatment derides as "denial" can improve the chances of recovery: It is easier to achieve what you believe.

The point is not that moderation training is always better than abstinence. But even if abstinence was the right goal for Audrey Kishline, she didn't manage it. Therapists, whatever their orientation, are reluctant to admit that most alcohol abusers relapse, and that they need training to avoid harming themselves and others when they do. For example, people can learn in therapy to call their spouse when they get drunk to make sure they don't drive while intoxicated. By failing to develop such fallback positions, therapists and support groups are saying, in effect, "If you make a mistake, you might as well give up all restraint—taking a drink, getting drunk, and driving drunk are all equivalent."

When Kishline repopularized the idea that some people could return to nonproblematic drinking, she aroused the ire of the NCADD, which denounced the idea in a July 1995 press release. "Millions of Americans," it said, "have recently seen life-threatening stories in the media that people with alcohol problems don't have to stop drink-

ing completely to get better." In perhaps the high point of national media attention Moderation Management was to receive, *U.S. News & World Report* featured controlled drinking and M.M. in a July 1997 cover story. The article focused on problem drinkers, who it indicated were a solid majority of those with alcohol problems. Nonetheless, the director of the government's National Institute on Alcohol Abuse and Alcoholism (NIAAA), Enoch Gordis, wrote a letter to the magazine emphasizing that "persons with the medical disorder 'alcohol dependence'" need to abstain.

The NIAAA's own research has contradicted that position. Project MATCH was the largest trial of alcoholism treatment ever conducted. Completed in 1996, less than a fifth of the 952 alcoholics who underwent only outpatient treatment, and a little more than a third of the 774 alcoholics who had hospital treatment followed by outpatient treatment, abstained for as long as a year. So the NIAAA used a different standard of success: It emphasized that the subjects entered treatment drinking, on average, 25 days per month and 15 drinks per occasion; after treatment they drank, on average, five to six days a month and three drinks per occasion. The NIAAA in this case seemed to be endorsing controlled drinking.

Federal research gives the lie to the claims that alcoholics can't recover without treatment, and that they can't reduce their drinking to nonproblematic levels.

In 1992 the NIAAA conducted face-to-face interviews with a representative sample of nearly 43,000 Americans, asking them about their current and past drinking practices. Of the more than 4,500 who had been alcohol dependent at some point in their lives according to the current psychiatric definition, about a quarter had entered treatment as a result. A third of those who had been treated were drinking abusively at the time of the survey, compared to a quarter of those who hadn't been treated. Untreated alcoholics were less likely to be abusing alcohol, but they were twice as likely to be drinking without qualifying as problem drinkers or alcoholics. Abstinence was more common among alcoholics who had been in treatment, but still only a minority (39 percent) were abstaining, while 28 percent were drinking without diagnosable problems. Those who had been treated did, on average, have worse problems to begin with. But all of the drinkers in the analysis had at one time qualified for the diagnosis of alcohol dependence and would certainly have been considered in need of treatment. A plausible explanation for the finding that treated alcoholics were more likely to be drinking abusively is the all-or-nothing message taught by A.A.-style programs: When people who have undergone traditional treatment fall off the wagon, they're convinced that it marks the beginning of a binge, which then becomes a self-fulfilling prophecy.

Thus, federal research whose size and comprehensiveness will not readily be equaled gives the lie to the principal claims of America's treatment establishment: that alcoholics can't recover without treatment; that alcoholics can't reduce their drinking to nonproblematic levels; and that alcoholism treatment reliably produces abstinence.

Ignoring this evidence, abstinence-only advocates are using the Kishline case to close the small cracks that have appeared in the 12-step monolith.

This year, under medical director Alexander DeLuca, the Smithers Center in New York—founded by the late R. Brinkley Smithers, a wealthy recovering alcoholic and A.A. supporter—began to make referrals to M.M. DeLuca did not himself offer moderation treatment at Smithers. Rather, in keeping with the ethical and legal requirement of informed consent, he thought it proper to discuss alternatives such as controlled drinking with patients who were not fully committed to quitting. DeLuca still hoped such patients would ultimately decide to abstain.

Despite these nuances, in July the board of the Smithers Foundation, headed by Brinkley Smithers' widow, Adele Smithers-Fornaci, took out a full-page ad in *The New York Times* attacking the reconstituted Smithers program (with which her family is no longer associated). "The seductive appeal of controlled drinking to the alcoholic will cause needless loss of life and destruction of families," the ad warned. "This is no more sadly illustrated than in the tragically ironic case of the founder of the Moderation Management program, Audrey Kishline....Using the Smithers name in conjunction with this type of treatment is an abomination, an insult and a disgrace to the memory of R. Brinkley Smithers." Within days of the ad's appearance, the Smithers Center accepted DeLuca's resignation. ◆

Stanton Peele (www.peele.net), a psychologist and attorney, is the author of several books on addiction. His most recent book, co-authored by Charles Bufe and Archie Brodsky, is Resisting 12-Step Coercion *(See Sharp Press).*

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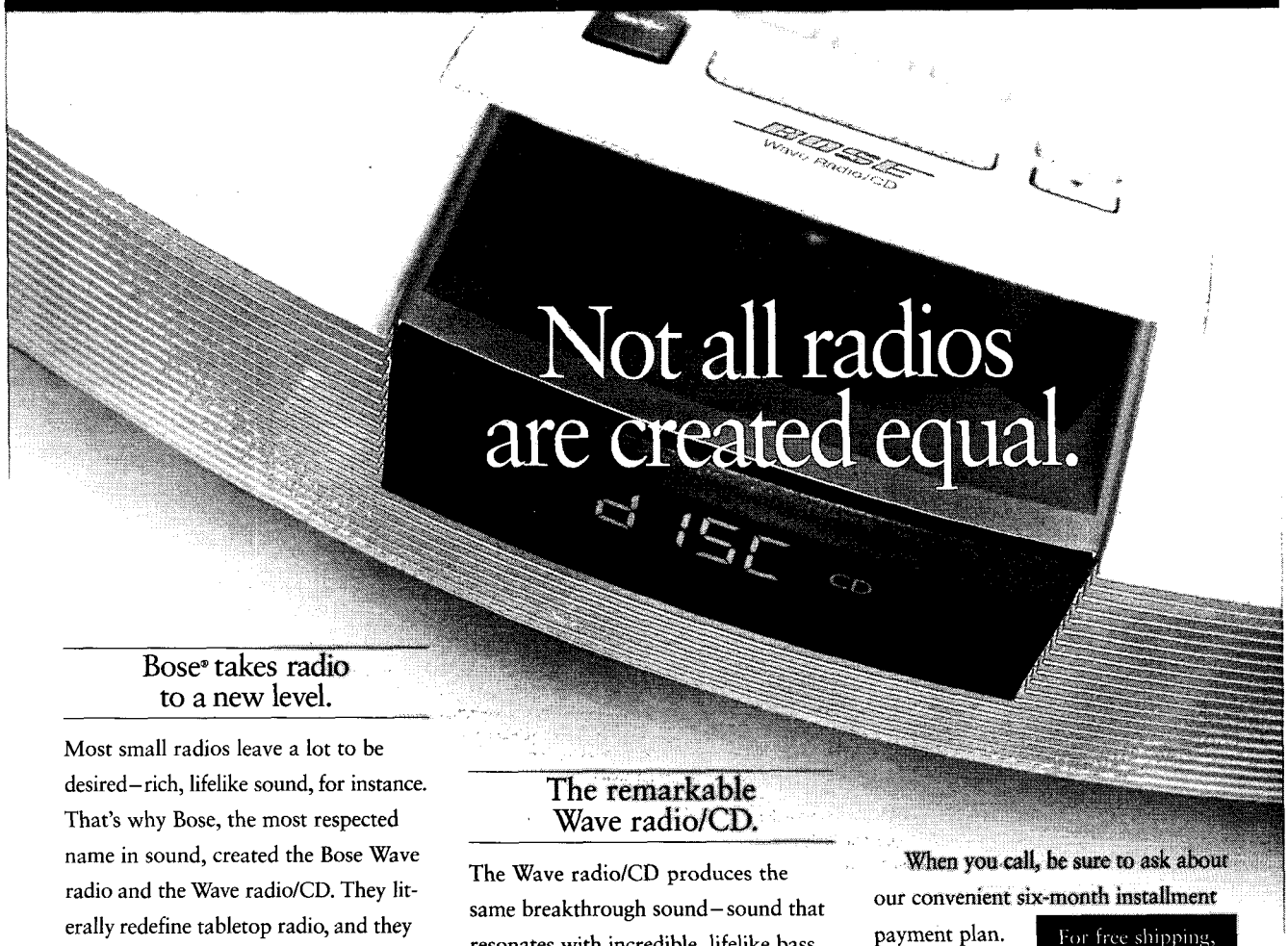

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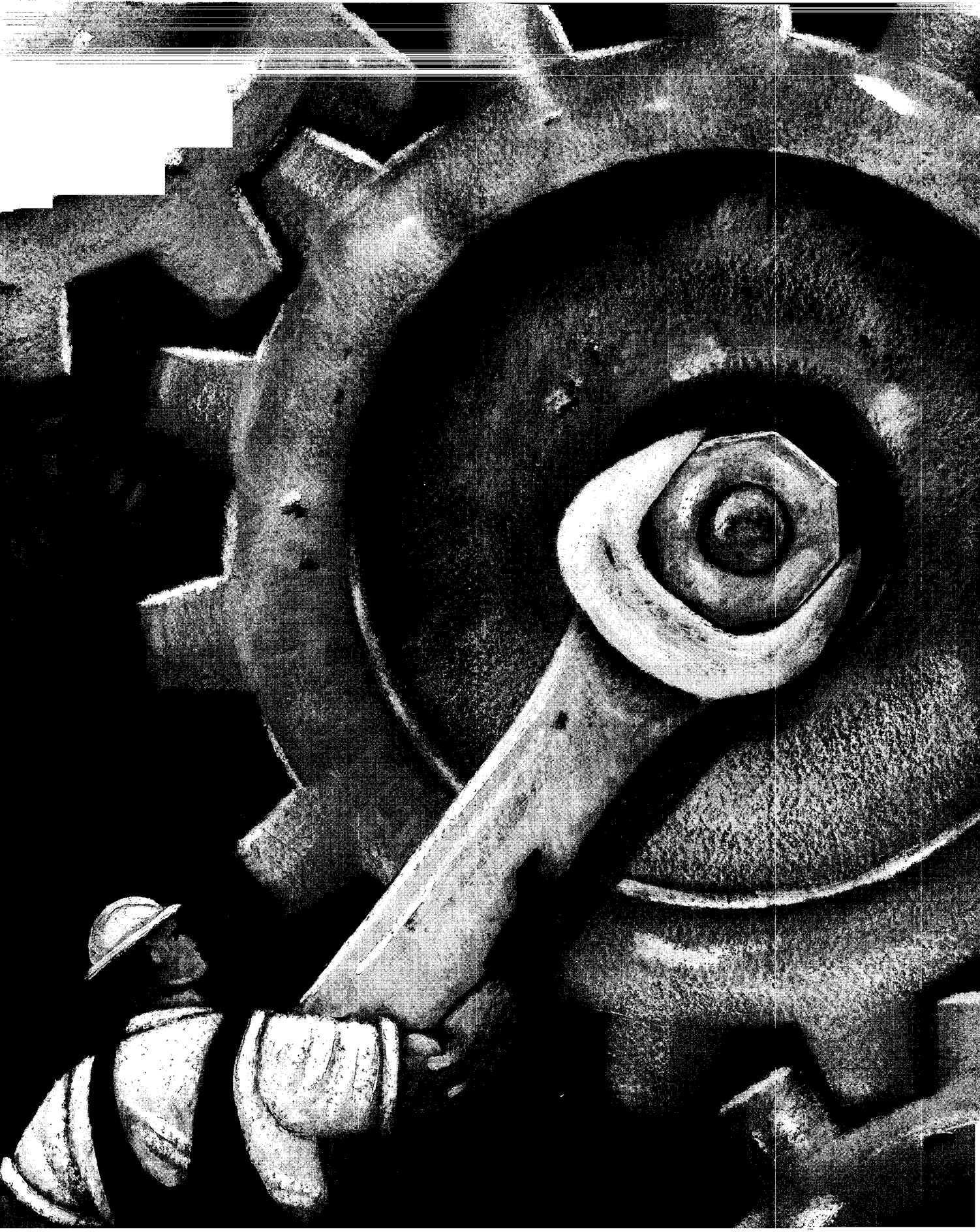


Labor Lost

By Michael McMenamin

Organized labor was a one-century phenomenon. Look it up. Union members were only 9.5 percent of the private sector work force in 1999, down from a peak of 37 percent 40 years earlier. The last time union membership was that low was in 1902, when union members were 9.3 percent of the private sector work force. And back then, unions were true member-based organizations poised to play a significant role in the new century's economic growth, not the government-coddled, coercive institutions they have become. The current union leaders, led by AFL-CIO President John Sweeney, have no realistic plans to change course. They are presiding over the final, terminal stage of organized labor. And they like things just the way they are.

Why the AFL-CIO's cynical survival strategy is doomed

JOHN BERRY

Today union leaders, politicians, and employers conspire to take from their members, constituents, and employees hundreds of millions of dollars every year, in violation of the First Amendment. What was once a proud mass movement that improved and dignified the lives of its members in vital segments of the manufacturing-based economy is now no more than a special-interest adjunct to a political party, humored and tolerated less for the voting bloc it no longer commands than for the soft money it can deliver. Organized labor in the private sector no longer serves the interests of its members. It has failed to adapt to the new information economy, as it successfully adapted to industrialization in the early 20th century. It is dying before our eyes.

The last time union membership was this low was in 1902, when union members were 9.3 percent of the private sector work force.

No one symbolizes the sad, cynical future of organized labor as just another special interest group with money to throw around better than Sweeney, the well-padded former president of the Service Employees International Union (SEIU). The SEIU, whose core members are janitors and low-level health care workers, is now the single largest union in the AFL-CIO. Sweeney, who majored in economics at Iona College, has been a union employee all his adult life; he started working for SEIU in 1960. He has never cleaned office buildings or emptied bed pans, as have the bulk of the SEIU's members, whose hard-earned dues paid his expense account and supported his comfortable, six-figure-income lifestyle while he headed up the SEIU.

Sweeney was elected president of the AFL-CIO in 1995, over the opposition of the old industrial unions. His campaign theme: *Do what I did.* Stop spending so much money on your current members, negotiating and administering their contracts and processing their grievances. Instead, trust their employers to do the right thing. Then spend more money on organizing new members. Sweeney's goal was to increase AFL-CIO membership by 3 percent annually, i.e., an additional 600,000 new members each year—a tough goal he has yet to meet. In 1998, for example, the AFL-CIO added a record 475,000 new workers to its member organizations. But with other union members leaving through plant closings and downsizings, the net gain was only 65,000.

Even the net gain is deceptive because the union members leaving through plant closings and downsizings are not being replaced by members holding comparable jobs. Organized labor grew in the 20th century as America changed from an agricultural to an industrial economy. Things are very different today, and organized labor has found no analogous role in the post-industrial economy.

Even academics sympathetic to unions concede that they're on the skids. In his recent book, *From the Ashes of the Old: American Labor and America's Future*, Stanley Aronowitz, a Marxist-leaning professor of sociology at the City University of New York, writes: "As we approach the new century, organized labor has fallen on hard times. Once the force that encouraged government intervention in every aspect of economic life, the labor movement, over the last twenty years, has become a symbol of what many see as a surpassed system. Many younger people, who never experienced the Depression, World War II, and the days of postwar prosperity, are now mesmerized by the ideology of individual initiative and the promise of a gleaming high-tech future."

Sweeney already knows that unions have nothing to offer to people "mesmerized by the ideology of individual initiative and the promise of a gleaming, high-tech future." The simple reason: They're making too much money. But if the New Labor of John Sweeney holds no attraction for employees in the post-industrial economy, and the manufacturing work force of the old economy continues to shrink, what is Sweeney's business plan for maintaining labor's cash flow from member dues? His new paradigm for labor is to organize the working poor, those people employed in minimum-wage or near-minimum-wage positions.

That paradigm is embodied in Sweeney's own SEIU, one of the few unions that consistently shows net membership gains. The SEIU spends 47 percent of its annual budget on organizing, and its locals devote approximately 20 percent of their funds to the same task—a total of more than $60 million, $33 million of it from the locals. To appreciate the magnitude of this, as recently as 1993 no more than 10 of the SEIU's 77 locals put *any* money into organizing, and in 1995 the SEIU and its locals spent only $20 million on organizing. Even the SEIU's 1995 spending level is impressive when you consider that as recently as 1996, according to Richard Bensinger, director of the AFL-CIO organizing department, only 3 percent of union funds nationwide was spent on organizing.

The marketing strategy is working. In 1998 the SEIU won 66 percent of the elections in which workers chose whether to certify it as their representative. By contrast, the Teamsters won only 44 percent of their elections, and the rest of the AFL-CIO, other than the Teamsters and the SEIU, won only 49 percent.

The SEIU's success in winning certification elections underscores the rank cynicism of Sweeney's model, which gives the union a swelling stream of dues revenue. The fact is that

unions achieve less for the working poor than the market does. A recent study by economists William Even of Miami University of Ohio and David Macpherson of Florida State University shows that during the last 20 years the median percentage wage growth for full-time minimum-wage workers in their first year of employment was 13.8 percent. For all minimum-wage workers, it was 10.1 percent. No union contract today even comes close to what the market produces on its own for the working poor, who rapidly move on to better-paying jobs.

The SEIU is the country's largest health care worker union, in both hospitals and nursing homes. Health care is the union's niche, and Sweeney's successor as SEIU president, Andrew Stern, is pressing his old boss hard for an allocation of markets to eliminate competition from other unions in the health care industry. Last year, the SEIU entered into a jurisdictional agreement with the Hotel Employees and Restaurant Employees Union (HERE) under which the SEIU agreed not to organize hotel workers or gambling employees and, in turn, HERE agreed not to organize janitors or health care workers. (If two companies made a deal like that, of course, they'd be violating the antitrust laws, but unions have long had a get-out-of-jail-free card when it comes to antitrust.)

Why target the health care industry? In a recent monograph, *Labor Pains: The Corporate Campaign Against the Health Care Industry*, Jarol B. Manheim, a political science professor at George Washington University, offers the same explanation Willie Sutton once did for robbing banks: That's where the money is. Manheim points out that there are 6 million to 7 million potentially organizable workers in the health care industry, whose dues would produce a revenue stream of nearly $3 billion a year. Moreover, as Manheim observes, "many of these workers are in low-wage, low-prestige jobs and many are women or minorities."

He incorrectly considers this a barrier to organizing, because turnover in these jobs is well over 90 percent. Manheim suggests that high turnover "makes the workers to be organized something of a moving target." Not really. In a dynamic economy, there will always be high turnover in low-wage, low-prestige jobs as the working poor move on to better-paid, higher-prestige jobs and have their places taken by other entry-level employees. This suits the SEIU just fine. All it has to do is win one election with the employees it has organized at that time. Once it wins, it pretty much can just sit back and let the dues roll in.

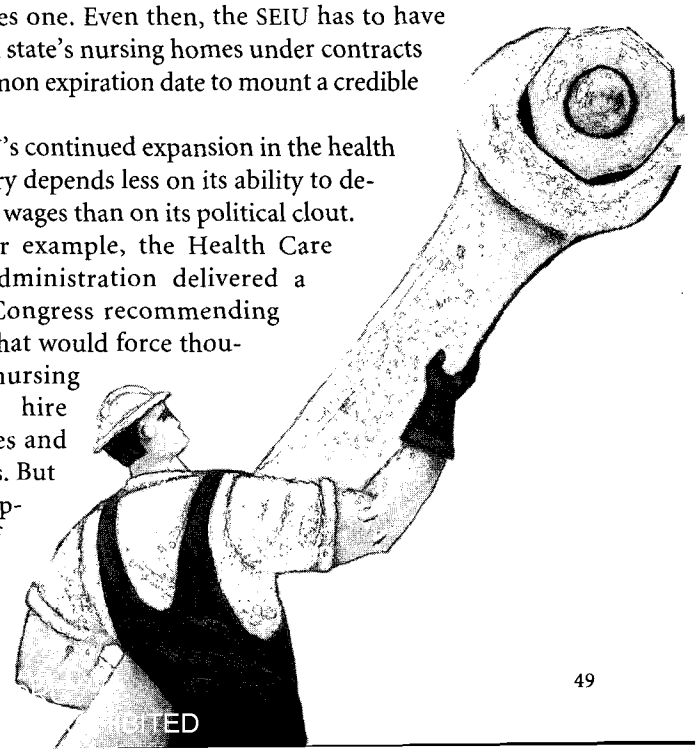
Unionization doesn't stop turnover in low-wage, low-prestige jobs. But the new employees who take those jobs after their predecessors move on to better things find themselves saddled with a union they didn't choose because the labor laws presume that the new employees support the union in the same proportion as the old employees did. The law does provide for decertification elections, but the National Labor Relations Board (NLRB) frowns on them. As a consequence, only 199 were held in the first six months of 1999, down from 247 in the first half of 1998. Besides, to win an initial election, unions need only a majority of those voting. Decertifying a union requires a majority of all eligible voters.

The SEIU is far less successful at representing its members than at organizing them. While it won two-thirds of its elections in 1998, it succeeded in actually negotiating a contract in less than half of those workplaces. The reason has to do with the economics of the health care industry, which is highly dependent on government financing and highly constrained by government regulations. Seventy percent of the revenue in nursing homes alone comes from Medicaid. Starting with the Health Care Finance Administration in Washington, every aspect of the health care delivery system is regulated by one, two, or more levels of government with respect to the quality of care, the type of care, conditions in health care facilities, and reimbursement. These rules and the level of Medicaid reimbursement limit the ability of employers to meet union demands.

In his description of a threatened statewide strike at Connecticut nursing homes in 1999, Manheim shows how government regulation can work to the SEIU's benefit. Given Medicaid-mandated cost controls, the nursing homes simply could not afford the pay increases demanded by the union. The impasse energized the state's governor, John Rowland, who met with legislative leaders and subsequently announced a 10 percent increase in Medicaid reimbursement rates in each of the next two years, for a total of $179 million, $150 million of it earmarked for salary increases.

But this sort of thing doesn't work very often, which is why the SEIU can't successfully conclude more contracts and keep its campaign promises to secure higher wages. The employers cannot afford to pay more, and the people in the low-wage, low-prestige jobs that are the SEIU's stock in trade cannot afford to go on strike. Without the strike weapon, the SEIU has little leverage unless it can find a pushover like John Rowland who doesn't have the experience or sophistication to recognize a bluff when he sees one. Even then, the SEIU has to have enough of a state's nursing homes under contracts with a common expiration date to mount a credible bluff.

The SEIU's continued expansion in the health care industry depends less on its ability to deliver higher wages than on its political clout. In July, for example, the Health Care Finance Administration delivered a report to Congress recommending new rules that would force thousands of nursing homes to hire more nurses and health aides. But that will happen only if Congress dramati-



cally increases Medicaid payments to nursing homes.

Organized labor's future was far brighter 100 years ago, even if its market share was no greater than it is today. Early in U.S. history, unions were organized around skilled trades or crafts: bricklayers, plumbers, pipe fitters. Unions established apprentice programs to train employees and ensure quality. They served as clearinghouses and hiring halls. Samuel Gompers, the legendary head of the American Federation of Labor (AFL), was a cigar maker's son who apprenticed as a shoemaker and later as a cigar maker. As industrialization increased throughout the United States in the late 19th and early 20th centuries, the labor movement adapted by forming industrial unions, such as the United Mine Workers, headed for many years by John L. Lewis, the son of an immigrant Welsh miner and a mine worker himself. The early unions were bottom-up associations, organized and run by the members. While often resisted by employers, collective bargaining during the first third of the century unquestionably served to improve safety and conditions in a wide range of American industries, from the mines to the mills.

Led by Lewis, the industrial unions split from the AFL in 1934 and formed the Congress of Industrial Organizations (CIO), a split that continued until 1955, when the rival groups merged. The rivalry between the AFL and the CIO did not prevent them from uniting to secure the passage of the National Labor Relations Act (NLRA) of 1935, which marked the end of labor unions as voluntary organizations. The NLRA not only permitted but encouraged compulsory union membership as a condition of getting and keeping jobs.

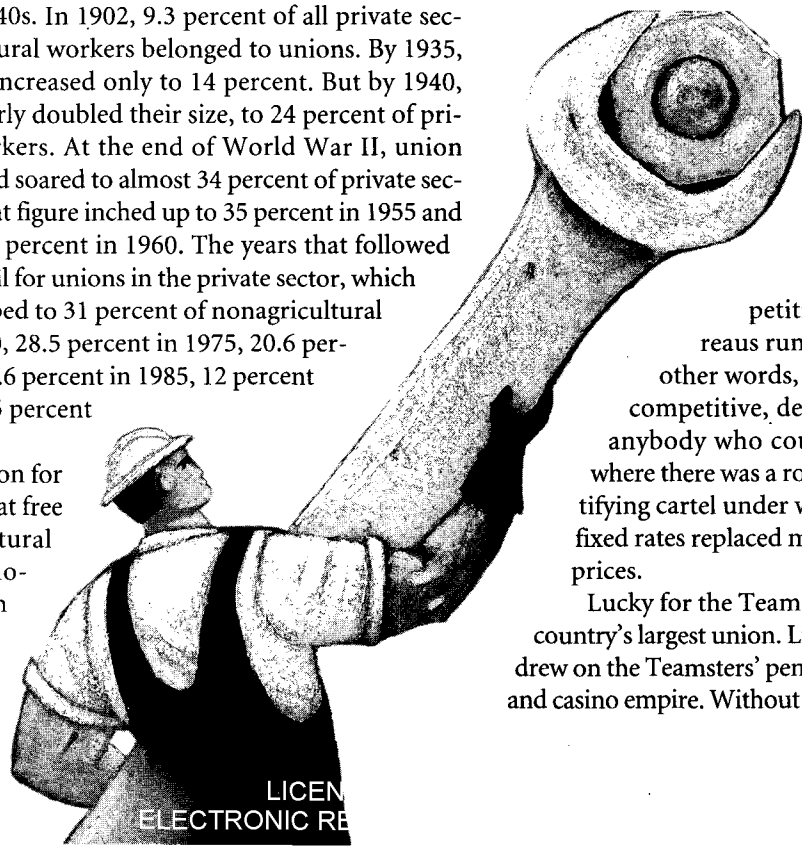
The power of the federal government had a predictably dramatic effect on the fortunes of labor unions in the 1930s and '40s. In 1902, 9.3 percent of all private sector nonagricultural workers belonged to unions. By 1935, the figure had increased only to 14 percent. But by 1940, unions had nearly doubled their size, to 24 percent of private sector workers. At the end of World War II, union membership had soared to almost 34 percent of private sector workers. That figure inched up to 35 percent in 1955 and hit a peak of 37 percent in 1960. The years that followed were all downhill for unions in the private sector, which gradually dropped to 31 percent of nonagricultural workers in 1970, 28.5 percent in 1975, 20.6 percent in 1980, 14.6 percent in 1985, 12 percent in 1989, and 9.5 percent today.

A major reason for the decline is that free markets are natural enemies of monopolies. Scratch a trade union, and you always find a would-be monopolist underneath. While few succeed, they openly seek to eliminate wages as an element of competition in an industry. As United Steelworkers General Counsel Arthur Goldberg wrote in 1956, "Any labor union is a monopoly [whose purpose is to] eliminate competition between working men for the available jobs in a particular plant or industry [and] increase by concerted economic action their wages."

This is not easy to do. If a union fails to organize all of the companies in a particular industry, it cannot maximize its power. So long as nonunion competitors are not paying the same labor costs, unionized companies in a competitive industry are not in a position to pass on all their wage increases to their customers in the form of higher prices. Or if they pass on their wage increases, they are likely to suffer severe losses in sales volume to their nonunion competitors. As a consequence, unions in highly competitive industries usually are not very powerful. Labor cost remains a competitive factor. Unionized companies are hard bargainers. They know wage increases can't be passed on to their customers unless their nonunion competitors raise their prices at the same time.

The Teamsters faced such problems in the 1930s with the fledgling over-the-road trucking industry: It was decentralized, with many small nonunion firms, and entry for new companies was relatively easy because of low capital investment requirements. Labor costs were the single largest expense in the trucking industry. Because of the intense competition, wage increases could not be offset by price increases. That fact frequently led companies to move their headquarters to cities where labor costs were lower.

Ease of entry and cutthroat competition: not a pretty picture for a union. Fortunately for the Teamsters, they had the Motor Carrier Act of 1935 and the Interstate Commerce Commission (ICC) on their side. The New Deal brought competition in over-the-road trucking to a rude halt. Interstate truckers had to apply to the ICC for a "certificate of public convenience and necessity," which rigidly specified the routes to travel, terminals to use, and territory in which to operate. The ICC also eliminated competitive rates, establishing rate bureaus run by the truckers themselves. In other words, the ICC took a growing, highly competitive, decentralized industry, in which anybody who could buy a truck could go anywhere there was a road, and substituted a rigid, stultifying cartel under which government consent and fixed rates replaced market demand and competitive prices.



Lucky for the Teamsters, who by the 1960s had the country's largest union. Lucky for organized crime, which drew on the Teamsters' pension fund to jump-start its hotel and casino empire. Without the iron hand of the federal gov-

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ernment to bring order out of the imagined chaos of trucking in the '30s, the Teamsters never would have been able to achieve a nationwide contract; organized crime would have had to find different sources of funding for its Las Vegas investments; Teamsters boss Jimmy Hoffa wouldn't have spent the late '50s and early '60s fighting off the Kennedy brothers; and James Hoffa Jr. would know where his father is buried. Jimmy Hoffa understood the vital role the ICC played in the Teamsters' success. He knew that trucking companies were woefully weak bargainers on economic issues because the ICC was always there to grant rate increases. In response to a question about whether he anticipated a strike over a 1962 dispute, Hoffa said, "Only if we need one to convince the ICC to grant a rate increase."

The market eventually catches up to monopolies. Deregulation did in the Teamsters. Unions also once had a virtual monopoly in three major U.S. industries: autos, steel, and rubber. The preeminent position of American automobile companies in the U.S. market was substantially altered by foreign competition. Honda and Toyota now have plants in America, all nonunion. Something similar happened with the U.S. rubber industry. Michelin of France has many nonunion plants in the United States, and there are only two American-owned tire companies left. Foreign companies bought the rest. The United Steelworkers saw their membership drop from more than 1 million in 1981 to barely 600,000 in 1988. Even today, after merging with the United Rubber Workers, their membership is only 670,000.

As a generation of economists has demonstrated, monopoly positions cannot be maintained by corporations for any extended period without government assistance. Without legal barriers to entry, the prospect of high profits lures competitors into the market. Unions are no different. It is virtually impossible for them to achieve monopolistic goals in highly competitive, growth-oriented industries where new jobs are being created, like the businesses of the new information economy. As a consequence, unions have a vested interest in government regulation, and they tend to be strongest in stagnant or decaying industries, where seniority or union hiring halls raise barriers to entry, and in heavily regulated industries with little price competition.

Let's not forget the public sector. Like transportation in the past and health care today, government is a monopoly to which ordinary economic rules don't apply. Accurate statistics weren't kept on union membership in the public sector before 1983, when 35.7 percent of all public sector employees belonged to unions. During the next 10 years, unions managed to increase that by only three percentage points, to 38.7 percent. Since then the trend has been down, with the figure dropping to 37.3 percent in 1999. Meanwhile, however, the importance of government employees to the labor movement has been rising. Back in the early 1980s, only one of every three union members was a public employee. Now it's closer to one out of every two. Low-paid service workers on the one hand, government employees on the other: That is the face of New Labor.

In its role as a left-of-center special interest group relying on campaign contributions rather than votes for political clout, Old Labor does not have much of a future. What about New Labor? Fifteen of the 25 biggest-spending political action committees in 1998 were labor union PACs. Well over 90 percent of organized labor's political contributions and expenditures go to Democrats. More important, during the '90s five of the top six and six of the top 10 soft money contributors to the Democratic Party were New Labor unions—i.e., unions representing government employees and workers in heavily regulated service industries. The big givers included the SEIU, Communications Workers of America, the United Food and Commercial Workers, the National Education Association, the American Federation of Teachers, and the American Federation of State, County, and Municipal Employees.

New Labor is based on support from the ruling political class, which allows unions to exploit the working poor to generate revenue for PAC contributions.

It's a strange list, but it proves the point: Where are the great names from labor's fabled past? Where are the Auto Workers? The Steelworkers? The Mineworkers? The Teamsters? Anyone trying to understand why Al Gore wants to expand government and spend the surplus rather than give it back to the people who earned it need look no further than this soft money list. Unlike Clinton, Gore is no more of a New Democrat than Walter Mondale. They both sold their souls to the unions, the quid pro quo being more public spending because that will increase the number of public employees, the most readily available pool of new union members and New Labor's best chance for improving its cash flow.

This is a risky strategy. Since 1980, according to *The New York Times*, between 32 percent and 40 percent of the voters in union households have voted Republican. In 1996 the AFL-CIO conducted a special $35 million campaign to unseat the Republican Congress elected in 1994. Yet a survey showed that 62 percent of union members opposed that spending and fully 59 percent of them would have liked their share of that money given back to them.

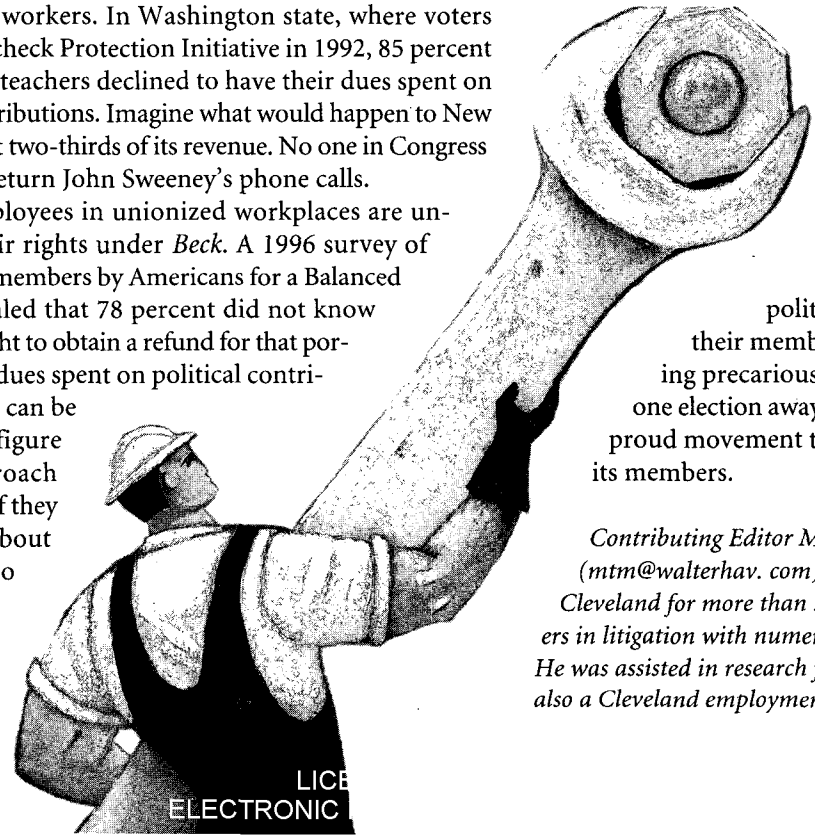
Fortunately, they have the support of the U.S. Supreme Court. In the 1988 case *Beck v. Communications Workers*, a decision written by its most liberal member, William Bren-

nan, the Court said it violates the First Amendment to force employees, over their objections, to pay union dues that are used to support political candidates or causes. President Bush's only attempt to enforce *Beck* came in 1992, when he issued an executive order requiring federal contractors to inform their employees of their *Beck* rights. That order was soon rescinded by President Clinton. Since 1993, the Clinton administration, Democratic members of Congress, federal judges, and NLRB members appointed by Clinton have been engaged in a vast ruling class conspiracy with union leaders to keep employees covered by union contracts ignorant of their First Amendment rights under *Beck*, making it as difficult as possible for them to object and recover the political contribution portion of their dues.

Beck is the labor movement's unacknowledged Achilles heel. If the rights of employees recognized by the Supreme Court in that decision are ever enforced, it will doom John Sweeney's strategy of organizing the working poor along with more public employees in an attempt to reintroduce class warfare into American life through political campaign contributions. *Beck* doesn't just make it illegal to take union dues from employees over their objections and use them for political contributions. It says you can't use their dues for anything other than what directly benefits them: collective bargaining, contract administration, and processing grievances. What that means, in plain English, is that when an employee objects you can't legally spend his union dues for political campaigns or for organizing other workers. The NLRB, labor's lapdog, predictably disagrees, but its recent decision to that effect will be reversed on appeal.

In *Beck* the Court found that fully 79 percent of union dues were spent on activities that did not directly benefit the dues-paying workers. In Washington state, where voters passed a Paycheck Protection Initiative in 1992, 85 percent of the state's teachers declined to have their dues spent on political contributions. Imagine what would happen to New Labor if it lost two-thirds of its revenue. No one in Congress would ever return John Sweeney's phone calls.

Most employees in unionized workplaces are unaware of their rights under *Beck*. A 1996 survey of 1,000 union members by Americans for a Balanced Budget revealed that 78 percent did not know they had a right to obtain a refund for that portion of their dues spent on political contributions. You can be certain that figure would approach 100 percent if they were asked about their right to refunds for dues spent on organizing.



Why aren't companies doing more to educate their employees about *Beck*? Largely because it's not in their interest for unions to increase spending on contract administration or grievance processing, expenditures approved by *Beck*. That would cause problems, possibly reduce productivity. Plus, any company that tried to inform its own employees of their *Beck* rights would face union reprisals.

Nor are we likely to see a concerted national effort by unionized companies to educate their employees. The Business Roundtable and the National Chamber of Commerce are too focused on bottom-line issues such as tort reform to be bothered with the constitutional rights of blue-collar stiffs. They probably think it serves them right for voting for a union in the first place.

New Labor could not survive without its continuing cash flow unconstitutionally confiscated from employees ignorant of their rights. Could Congress enact legislation enforcing *Beck* rights in a meaningful manner, as the initiative in Washington state did by requiring explicit approval for political spending? A Republican one might. Such legislation has been narrowly defeated in the past. Would a new president sign it? Not if his name is Al Gore. And only maybe if it's George W. Bush. Keep in mind that a lot of those don't-rock-the-boat Business Roundtable types have given money to the Bush campaign.

Unions as we knew them in the 20th century are near death. An unconstitutionally acquired cash flow may keep them afloat for a while, but it's only a matter of time. New Labor, public employees and the working poor, will fare no better. They have only a marginal role in the 21st century's post-industrial economy. Government can't save New Labor now, any more than it could save Old Labor 40 years ago, when it started its downhill slide. It can only delay the inevitable.

The leaders of New Labor have chosen a path that will not lead to recovery. It is based almost entirely on support from the ruling political class, which allows them to exploit public employees and the working poor to generate the revenue for contributions to Democratic politicians. By turning their backs on their members, New Labor's leaders are living precariously. Because of *Beck*, they are just one election away from ruin—a sad end for a once proud movement that now puts cash flow ahead of its members. ◆

Contributing Editor Michael McMenamin (mtm@walterhav. com), an employment lawyer in Cleveland for more than 30 years, has represented employers in litigation with numerous unions, including the SEIU. He was assisted in research for this article by Randal Ammons, also a Cleveland employment lawyer.

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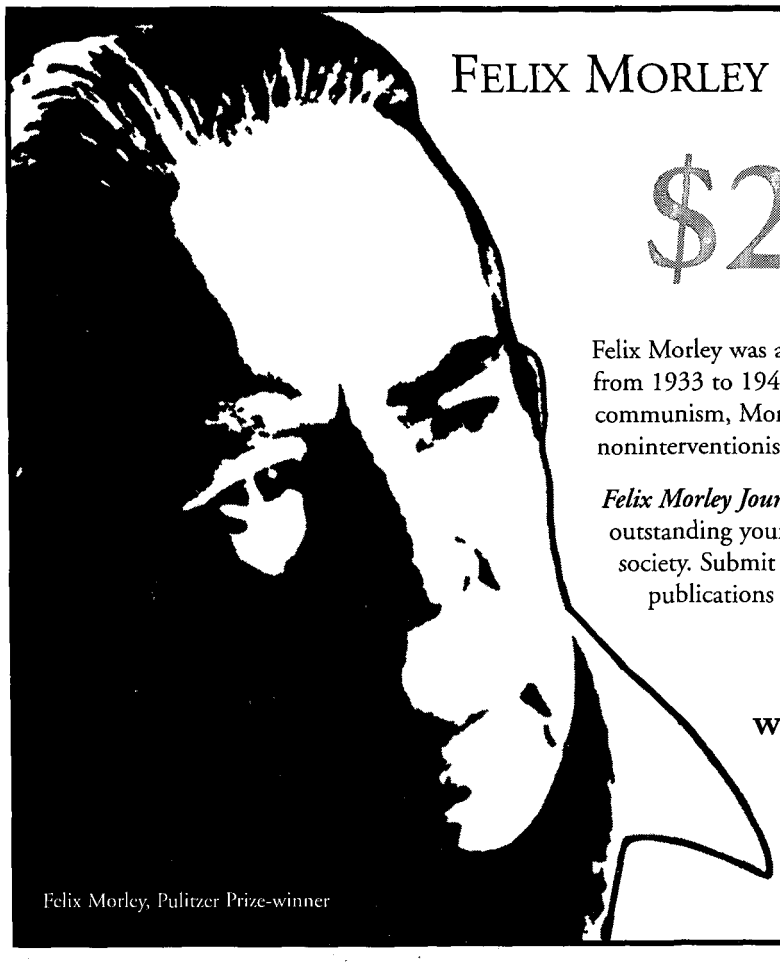

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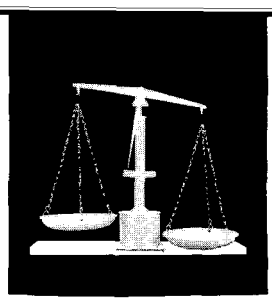


Attorney Privilege

Customers love one-stop shopping. So why are lawyers dead set against it for their own profession?
By James Joseph

"I am free to be protectionist," insisted Robert Ostertag, displaying a novel concept of freedom. Testifying against a measure to introduce competition into his industry, he continued, "What I see...is what you and I have witnessed in connection with the demise of our nation's neighborhood bookstores at the hands of Barnes & Noble and Borders [and] our neighborhood drugstores at the hands of the major pharmaceutical companies."

Why was Ostertag so alarmed? Around what victimized industry was he determined to circle the wagons? Farming? Small-town banking?

Amazingly, it was the legal profession.

Ostertag is a lawyer. And not just any lawyer: Besides practicing with a small Poughkeepsie law firm, he is a past president of the New York State Bar Association, a member of two association committees, and an adjunct professor at the prestigious Fordham Law School. Though most people don't fear that lawyers will disappear anytime soon, Ostertag is one of many attorneys waging a solemn battle on one side of what the American Bar Association calls "the most important issue to face the legal profession this century": multidisciplinary practice, or MDP.

Lawyers define MDP as the ability to share fees and join with nonlawyer professionals in a practice that delivers both legal and nonlegal professional services. Rule 5.4 of the Model Rules of Professional Conduct, adopted by every state, currently forbids the practice by providing

that a lawyer "shall not" share legal fees with a nonlawyer, form a partnership with a nonlawyer that in any way practices law, permit a nonlawyer to direct the lawyer's professional judgment, or form a firm in which a nonlawyer owns an interest.

The self-aggrandizing majesty of the word *professional* aside, the MDP concept is hardly new. Seventy-five years ago, if you needed cough syrup, pork chops, and petunias, you also needed three different stores. Today, pharmacists, butchers, and florists commonly work under one roof in an aptly named "supermarket." Businesses have learned that consumers are happiest when they can buy more things on fewer trips for less money. Innovation by combination has given rise to companies that offer books and coffee, fitness and therapy, auto parts and baby clothes, and even that most American of combinations, laundry and bourbon.

The corporate marketplace is no different. Gone are the days when, say, employees at Arthur Andersen only counted beans. Today its Web site offers a nine-point list of "Market Offerings" for its clients, embodying the financial service industry's move toward one-stop shopping. The legal profession's edicts notwithstanding, firms like Andersen have recruited armies of attorneys in recent years. The trend is so pronounced that by one count, five of the world's nine largest nongovernmental legal employers are the Big Five accounting firms.

This trend has percolated for decades—especially in Europe, where the multidisciplinary practice rules are more liberal—but recent events have put the organized bar on high alert. Last year, the accounting firm KPMG International formed a nonexclusive alliance with several American law firms to provide tax assistance. Two months later, Bingham Dana LLP, a Boston-based law firm, formed a venture with Legg Mason Inc., an asset management firm, to provide integrated investment advice. And the month after that, Ernst & Young LLP "loaned" start-up capital to a law firm, McKee Nelson Ernst & Young in Washington, D.C., the only U.S. jurisdiction that permits (severely restricted) partnerships between lawyers and nonlawyers. In the press release announcing the venture, the accounting giant's vice chairman unabashedly declared that "the two organizations will work together to offer what effectively will be one-stop shopping."

Although recent events have drawn attention to MDPs, the handwriting on the wall was large enough two years ago that the ABA established a commission to study the matter. (The first anti-MDP measures were enacted as early as 1928, but the bar's rapidly shrinking power to derail the MDP train has created a renewed sense of urgency.) A year later the commission urged the ABA to accept a watered-down version of MDP, but resistance among the rank and file forced a deferral of the vote until last July, when the ABA House of Delegates voted to keep the MDP ban by a 3-to-1 margin. Even if the ABA eventually endorses pro-MDP rules, the state and local adoption process could take years. As someone close to the process told me, "they're arguing about this even while Rome is burning."

It is no mystery why many lawyers vehemently oppose a practice that offers clients greater choice, convenience, and savings. The legal profession is a cartel. Like any other cartel, lawyers erect barriers that restrict competition. Bar exams, law school accreditation, and "ethical" rules such as the MDP ban are so ingrained in American culture that one forgets lawyers practiced for centuries without them. Many barriers didn't even exist a century ago.

Those who respect markets would eliminate the barriers altogether. Ideally, a client should be free to contract with a firm for the provision of services, including a combination of legal and other services, with enough regulation only to prevent force and fraud. Plainly, MDPs would be permitted in such a system. And because few people take seriously the rare calls to eliminate other barriers to entry, such as bar exams, MDPs represent the most prominent threat to protectionism within the legal profession.

In the face of this threat, MDP critics defend the status quo with claims both transparent and subtle:

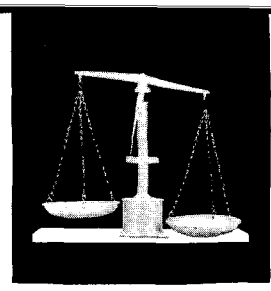
■ **MDPs threaten small firms.** This was one of Ostertag's main concerns, and we should applaud him for his honesty. Though his protectionism on behalf of small firms may be nakedly self-serving, at least it shows that MDP critics worry about preserving the status quo more than serving their clients. His fears, however, may be unwarranted. Multidisciplinary practice does not necessarily imply large firms; an MDP can consist of just two people or, absent the rule forbidding the unauthorized practice of law, only one.

Furthermore, as Nobel Prize–winning economist Ronald Coase has pointed out, small and large firms can grow simultaneously: Specialization and technological advances allow large firms to contract out more work to small ones. Allowing MDPs to proliferate may thus lead to more small firms.

■ **MDPs' emphasis on the bottom line threatens the core values of the profession, such as independence and public service.** MDP opponents often invoke, but rarely define, "core values." At bottom, this is an effort to justify a certain polite haughtiness about a lawyer's role in society. But lawyers are no more, and are often less, "independent" than other service providers. Similarly, the idea that lawyers are more devoted to "public service"—itself a slippery concept—is naive at best and overbearing at worst. Lawyers must confront the reality that a law degree is not a title of nobility.

Then, too, there is nothing inherently wrong with maximizing profits. Naturally, like any other firm, an MDP should not be allowed to profit through negligence or wrongdoing. But by the same token, an MDP—even one that is publicly owned—shouldn't be penalized for keeping costs low, doing its job efficiently, and working hard to meet its clients' needs.

■ **MDPs permit nonlawyers to practice law.** "The practice of law" is a notoriously vague and largely outdated con-



cept. The only place it makes sense is in the courtroom, but court appearances constitute only a tiny slice of the legal services pie. Most legal services relate to transactional matters in which many nonlawyer professionals know at least as much about the relevant law as lawyers. Even accounting for the courtroom context, clients aren't stupid. They don't need much to figure out whether a service provider has the minimum experience to do the job; they need only a little more to determine whether the provider will do it well. MDP critics should not so cavalierly dismiss their clients' initiative and judgment.

■ **MDPs would allow disbarred attorneys to oversee other attorneys.** The principal flaw in this argument is its failure to account for a firm's reputational incentives. Firms have no interest in hiring personnel who will alienate clients. The argument also condones a form of double jeopardy by assuming that a disbarred attorney can never perform any task honestly. Nevertheless, the threat seems easy enough to cure with a rule that may be overkill but should certainly quell all fears: Disqualify from the practice of law for some period of time any firm, including an MDP, that knowingly employs an ineligible attorney in a professional service capacity.

■ **MDPs create conflicts of interest.** Lawyers may not represent two clients with adverse interests, even on unrelated matters. This is a sensible rule, but it has been extended improperly by another rule: imputed disqualification, which forbids one firm from representing two clients with adverse unrelated interests even if the work is performed by two different attorneys. MDPs might be disqualified from many assignments as a result.

Procedures have long existed to address this issue. Conflicts in an MDP can be resolved exactly as they have been historically: by informed client waivers, structural separation, and Chinese walls (procedures that prevent information flows between firm members). Not only have law firms used these methods internally for decades, but so have accountants and consultants. The Big Five would never have attained their present size without these procedures; applying them to lawyers does not dilute their effectiveness.

■ **MDPs improperly combine legal and auditing services.** MDP critics cite a tension between a lawyer's duty of confidentiality and an auditor's duty to disclose. The SEC has strictly disallowed auditors from certifying the financial statements of a client for whom their firm also provides legal representation, and as of this writing it has indicated that it will disallow multidisciplinary practice by administrative rule.

This concern, too, misunderstands the market process. Just because multidisciplinary practice is allowed does not mean every firm will engage in it. Some firms will choose to remain independent because their clients will pay extra for an added layer of apparent objectivity. In any case, the clients alone should be left to judge the wisdom and reputational effects of using a particular firm.

Furthermore, the obligations of both attorney and auditor remain fixed whether or not they belong to an MDP. Structural separation allows the attorney to invoke privilege; the auditor may qualify his opinion or even resign if the client tries to conceal fraudulent activity. Investors and other interested parties understand that such actions suggest problematic information and will adjust their expectations accordingly.

■ **MDPs are not in the best interest of the client or the public.** The client should control his decisions. If the client prefers not to use an MDP, he can go elsewhere. Forbidding MDPs eliminates a host of possible synergies that could bring immeasurable benefits to the marketplace, such as those between environmental lawyers and engineers, divorce lawyers and psychiatrists, criminal defense lawyers and detectives, or labor lawyers and personnel firms.

It is no mystery why many lawyers oppose a practice that offers clients greater choice, convenience, and savings. The legal profession is a cartel. Like any other cartel, lawyers erect barriers that restrict competition.

■ **MDPs benefit mostly rich or sophisticated clients.** My own experience as an attorney in a legal clinic for low-income entrepreneurs convinces me that exactly the opposite is true: Low-income individuals stand to benefit the most from MDPs. People who have limited resources or education, who distrust lawyers or the legal system, or who have no social network that includes professionals need the cheaper, more comprehensive, and more user-friendly service that MDPs can provide.

The transition to an MDP world may present some challenges, but the legal profession only hurts itself by resisting the inevitable. The bar can learn from last year's repeal of the Glass-Steagall Act, which for years prohibited the combination of banking and commercial enterprises until Congress finally realized that the ban dampened innovation, restricted client choice, increased costs, and hurt American competitiveness. Clients are calling for MDPs. The bar should listen.

James Joseph (jwj@coollink.net) is the former assistant director of the Institute for Justice Clinic on Entrepreneurship at the University of Chicago Law School. The views expressed here are his own.

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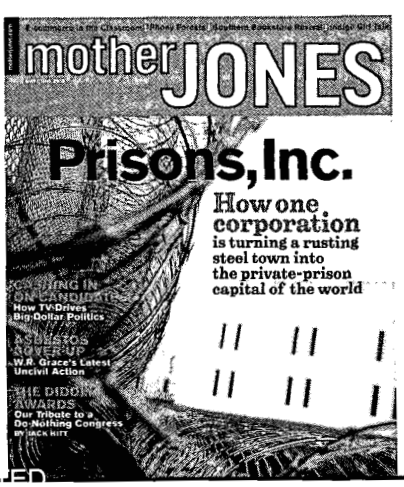
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Buff Enough?

By Jonathan Rauch

By the time I graduated from high school, I had reached my full height—not quite five feet, eight inches—and I weighed 105 pounds. Much earlier, when I was about 9 or 10, I had begun to notice that I was preoccupied with certain aspects of my appearance. After one of my father's friends made a good-natured jibe about my "nice little potbelly," I worried for months about my stomach and tried to keep it covered all the time. I would also spend long sessions in front of the mirror, using water and gel and combs and brushes to smooth out what I thought were imperfections in my hair. None of that, though, prepared me for what was to happen when I reached high school.

Today when I look at pictures of my teenaged self I see a strikingly thin but hardly hideous boy. What I saw then, however, was a monster. I was grotesquely thin. As if that were not enough, I also had bandy legs, pimples, and a mild back deformity called kyphosis that made me look slightly hunched no matter how straight my posture. I felt that my body was weird, monstrous, and also alien, something I was cursed with and trapped in. Sometimes I would fantasize about chopping off my arms and legs and throwing them into the sea, just to be rid of them.

I made sure that no one had any idea how I felt. I had no use for obtuse reassurances ("There, there, you look just fine") and no appetite to be packed off to a shrink. The isolation and secrecy were harder to bear than the malady itself. My best hope, as I saw it, was to grow up and either fill out or stop obsessing. To an extent, both happened; but by the time I graduated from college I still weighed less than 120 lbs., and although my self-loathing had ebbed quite a bit, it had not gone away. I felt freakish not only physically but emotionally, because it never occurred to me that anyone else had experienced anything like what I was going through.

The Adonis Complex: The Secret Crisis of Male Body Obsession, by Harrison G. Pope Jr., Katharine A. Phillips, and Roberto Olivardia, New York: The Free Press, 286 pages, $25

What a difference it might have made if, by some time-twisting miracle, I could have been handed a copy of *The Adonis Complex: The Secret Crisis of Male Body Obsession*, by Harrison G. Pope Jr., Katharine A. Phillips, and Roberto Olivardia. I first heard of the book from a 22-year-old gay acquaintance who had somehow gotten hold of the bound galleys and was carrying them around like a Bible. His hatred of his own appearance had driven him to a compulsive and often dangerous promiscuity (if he was having sex, he couldn't be all that ugly). *The Adonis Complex* was a revelation to him, as it would have been to me, had it existed when I was his age.

So the first and most important thing to say about *The Adonis Complex* is: Hooray! For years, the scientific and popular literature has been full of hand wringing about eating disorders and body obsessions in women; but about men, next to nothing. The authors originally focused their own clinical work—in psychiatry and psychology at the Harvard and Brown medical schools—on women. Only gradually did they realize that "body dysmorphic disorders," as body obsessions are officially called, are also common in men, who almost never reveal or discuss them. "We want to tell these men and the people who love them," Pope and his colleagues write, "that they no longer need to suffer alone, that the Adonis Complex—this secret crisis of male body obsession—afflicts millions in our society and around the world."

They have compiled many cases. Kevin, an enormous bodybuilder, is convinced his arms look like "sticks" and sometimes won't go outside all day "because I'm afraid people will think I look too small." Scott works out compulsively, loses his girlfriend, and refuses to go to the beach for fear of being thought too small. Joe counts every hair that falls into the sink and is so mortified by his hair loss that he drives recklessly, hoping to die: "If I have to go through life looking like this, I don't want to live." Barry becomes obsessed with his weight and starves himself down to 85 pounds. Ben, also weight-obsessed, binges and purges twice a week, wolfing down four Big Macs, three Whoppers, six pieces of chicken, four large containers of french fries, and two milk shakes, and then forcing himself to vomit it all back up. The authors have learned a great deal about what ails these men and how to help them. Their writing is clear, personable, and unfailingly reasonable. They provide tests

TOM COCOTOS

you can take to spot body obsessions in yourself and others. Anyone who struggles with a body obsession, or knows a man who might, could use this book.

You are right, though, to sense a *but* coming. Mental health professionals can rarely resist the temptation to put society on the couch. The Adonis Complex, in the authors' reckoning, is really two quite different sorts of pathology. One afflicts individuals, men like Kevin and Joe and Ben. The other is a social disease.

In 1964, G.I. Joe sported a respectable but unremarkable physique; if he were five feet, 10 inches, he would have had a 32-inch waist, a 44-inch chest, and thin 12-inch arms. By 1991, G.I. Joe's waist had shrunk to 29 inches, and his arms had grown to 16. He had, in other words, become a bodybuilder. *Star Wars* action figures—Luke Skywalker and Han Solo—were ordinarily athletic in 1978, but by 1995 they were on steroids.

Then there are the ads, and the models, and the magazines. One of the book's most interesting charts shows the percentage of male models appearing shirtless or otherwise "undressed" in *Glamour* and *Cosmopolitan*. In both magazines, the proportion stays under 10 percent in the 1960s and 1970s, but then in the 1980s it takes off, almost tripling. And the undressed men become much more muscular.

The authors compile more evidence in this vein, but you don't need to examine it to know that something happened in the last 15 or 20 years. Call it the Buff Revolution. Suddenly there were half a dozen physique magazines on every 7-Eleven newsstand. Suddenly buses prowled through the cities bearing ads in which, for no discernible reason, a barechested young man with a chiseled and tanned and shaved-down torso displayed a microwave oven (a microwave oven?). Suddenly there was the Soloflex man, and Calvin Klein underwear ads, and WWF wrestlers on steroids, and Arnold Schwarzenegger, and *GQ*, and a gym on every corner. You could hardly walk 100 feet in any direction without encountering a muscle shrine.

To the authors, what all this suggests is that men are increasingly being manipulated by opportunistic advertisers and marketers and merchants. They write, "These 'male body image industries'—purveyors of food supplements, diet aids, fitness programs, hair-growth remedies, and countless other products—now prey increasingly on men's worries, just as analogous industries have preyed for decades on the appearance-related insecurities of women." Men therefore are "victims" of "what our society is doing to contemporary men's views about their bodies." They are "indoctrinated" by exposure to more supermuscular images than any previous generation has ever encountered.

As a result, the cases of full-blown body dysmorphic disorder, cases like Kevin's and Scott's and Joe's and Ben's, are only the tip of the iceberg. "For every severe or dangerous case," the authors write, "there are dozens of less severe cases—men who cope quietly with emotional pain about some aspect of how they look." The body image concerns of boys and men "range from minor annoyances to devastating and sometimes even life-threatening obsessions—from manageable dissatisfaction to full-blown psychiatric body image disorders." Even minor discontents, apparently, are evidence of society's Adonis Complex.

In at least five passages, the authors go out of their way to say that body image concerns are not pathological unless they cause distress or impairment. There's nothing wrong, they say, with working out or dieting to look good. Yet the authors do not seem to believe themselves. They note, with italics and exclamation point, a study in which "*95 percent* of college-age men expressed dissatisfaction with some part of their bodies!" (Of course they did; and the other 5 percent were lying.) The authors further note that, according to one estimate, in 1997 American men "spent a shocking *$3.5 billion* on men's toiletries (hair color, skin moisturizers, tooth whiteners, etc.)." (That would be about $36 per year for every adult male.) They note, not approvingly, that gyms are full of college students who pay "$400 per year out of their own pockets" to work out, even though "most could use their own college gyms for free if they wanted." All of this they see as signs that Americans are excessively preoccupied with their appearance.

The Adonis Complex rushes to emancipate men from hard stomachs and pendulous pecs. One wonders: Is there only something wrong with the buff culture? Or is there also something gloriously right about it?

The treatment for the serious cases of Adonis Complex is therapy and antidepressants. The treatment for the milder ones is consciousness raising: "It's time for men to liberate themselves from the artificial and unattainable standards that Western society and the media have imposed upon them in the last 20 or 30 years." The authors speak more than once of "liberation" in describing their social prescription, and they are well aware of the feminist themes their book echoes. Just as *Penthouse* and *Charlie's Angels* have insidiously stereotyped and exploited women, so the buff culture insidiously stereotypes and exploits men.

Fair enough, up to a point. Muscle marketing does indeed distort many men's and boys' image of the healthy male physique. Men should be more widely aware, as the authors suggest, that those big, "healthy" muscles they see in the sports nutrition ads are often unattainable without drugs. The makers of action figures and Saturday morning cartoons would do everybody a favor by taking their characters off steroids. Still, one suspects that there is a baby somewhere in the bathwater that *The Adonis Complex* throws out in its rush to emancipate men from hard stomachs and pendulous pecs. One wonders: Is there only something wrong with the buff culture? Or is there also something gloriously right about it?

The muscular male physique is spectacularly beautiful, and not just to women and gay men. The appeal of big muscles to

*men is probably innate and universal, for reasons that an evolutionary psychologist would have no trouble explaining. Has any society anywhere exalted soft, shapeless men? Has any schoolboy, ever, wanted smaller muscles? But for many years, probably since the first colonists landed, American men repressed the explicit pursuit or adulation of male beauty with an almost Saudi relentlessness. A man could be beautiful only if he wasn't trying and didn't care; he could be "naturally athletic," or "well toned," but working on his body for its own sake was vain or eccentric or something even worse, something unmentionable. Men pretended not to notice other men's biceps (someone might get the wrong idea!). Male models looked fit but safely shy of hunky. Ronald Reagan passed for beefcake, partly because his physique was so bland and sexless. The notion of pumping a man up, shaving him down, and displaying his naked torso on the side of a bus would have seemed altogether too—well, you know, too *Greek*.*

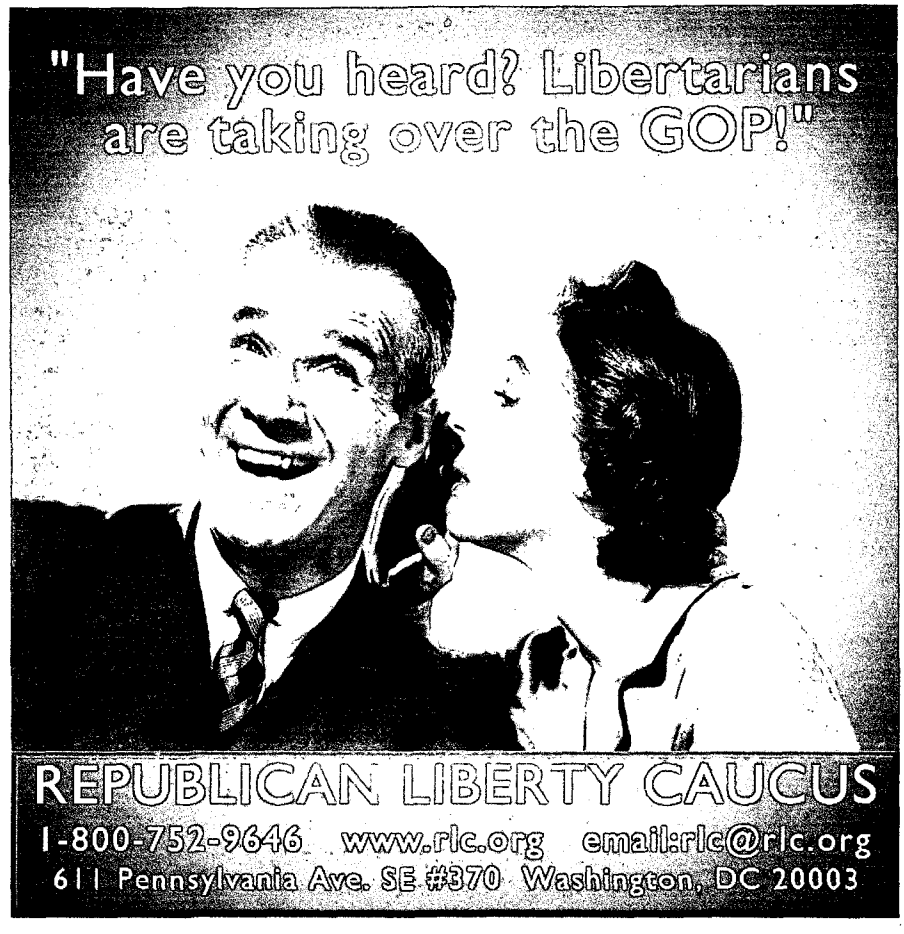
In the 1970s, as the cultural climate grew more hospitable to overt eroticism and as homosexuality came to seem less dangerous and more titillating, it became increasingly possible for a man to express admiration or envy of male beauty, even if in guarded terms. Meanwhile steroids, dietary supplements, and plain old sweat made muscles bloom as never before. In the early 1980s, the dam finally broke. Male hunkiness ceased to be taboo. Advertisers and marketers took full advantage of the change, and so pushed it along. I doubt, however, that they caused it. In any case, I think the great majority of men —the ones who do not have body dysmorphic disorder—should welcome the new climate.

Being mental health professionals, the authors of *The Adonis Complex* tend to regard the pursuit of beauty for its own sake as frivolous, and the pursuit of beauty at the expense of health as irrational, even crazy. They cite a survey that asked men, "How many years of your life would you trade to achieve your weight goals?" The answer so shocks them that they italicize it: "*17 percent of men said they would give up more than three years of their lives. Eleven percent would sacrifice five years.*" Why is that terrible, or even surprising? Ambition of any sort is a kind of neurotic itch, given that we all wind up dead anyway. Celebrity and power will shorten your life, on average, but it is human nature to want to be famous and powerful—and beautiful. When I was 16 and skinny and pimply and weak, if you had told me I could instead be muscular and handsome and strong at the cost of living to be 73 instead of 77, would I have been crazy to take the deal? Or crazy not to take it?

At last men are free to pursue beauty for its own sake, and if the pursuit is sometimes maddening it can also be (yes) liberating. American men, always intent on remaking something, are turning their restless creativity on their own bodies. This is healthier, I think, than the authors of *The Adonis Complex* allow. For millions of men, the gym is itself a form of therapy. When I was in my 20s, I began working out religiously. For a while the gym became my second home. Was I driven, even a shade compulsive? Maybe. But little by little my body changed, and I changed inside of it. I came to feel I belonged in a gym, sweating and flexing, and then later, more slowly, I came to feel that I belonged in my body.

I am not suggesting that my obsessive self-loathing was good for me because I overcame it. I am saying that self-loathing is one thing and the male pursuit of beauty is another, and it is important to distinguish between the two. That the one is unhealthy does not make the other so, any more than driving is unhealthy because some people die in accidents. The Buff Revolution was liberating rather than oppressive, even if, like all liberations, it enticed some people to excess or illness. Gradually, I suspect, many of the excesses will subside. America is only just learning to cope with the intoxicant of male beauty. With time, and with the help of books like *The Adonis Complex*, more and more men will learn to be buff without being crazy.

Jonathan Rauch is a senior writer for National Journal *and writer in residence at the Brookings Institution.*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Anarchies, States, and Utopias

The science fiction of Ken MacLeod

By Jesse Walker

Utopian fiction has a bad reputation, much of it well-deserved: Few genres are as congenial to humorless, didactic writing. Most utopias have little room for development, ambiguity, or questions left open, let alone interesting characters or an involving plot. But there are exceptions, many of which have issued from the pen of Ken MacLeod, a Scottish science-fiction writer who doesn't just question the utopias he builds: If need be, he'll let them fail.

In a quartet of novels—*The Star Fraction* (1995), *The Stone Canal* (1996), *The Cassini Division* (1998), and *The Sky Road* (1999)—MacLeod sets up several societies then lets them loose in something akin to the real world, where they can compete, infiltrate each other, and try to come to terms with their internal contradictions. If the traditional utopian uses fiction to express his firmest views, MacLeod seems to be working out ideas as he writes. His books are filled with politics, but those politics, in turn, are suffused with playfulness and contingency.

In part, this reflects his past. In the 1970s and early '80s, MacLeod, now 46, was an active Trotskyist, and he subsequently spent some time in the British Communist Party. Somewhere along the way, he grew interested in critiques of economic planning; these days, he's more libertarian than socialist, though he hasn't rejected the ideals that drew him to the left. He's still opposed to war and poverty, and still interested in cooperatives and other forms of worker ownership.

The result is a series of books in which theoretically estranged ideas bleed into one another in unusual, inventive ways. Many science-fiction novels have been set in anarcho-capitalist societies, with police protection sold on the market. Only *The Star Fraction* includes a protection company called the Felix Dzerzhinsky Workers' Defence Collective, named for the founder of the Soviet secret police. And while both anarcho-communist and anarcho-capitalist worlds have appeared in science fiction, only *The Cassini Division* shows them making contact and slowly starting to subvert each other.

The books aren't flawless—an important romantic liaison in *The Sky Road* isn't entirely credible, for example—but they're among the best science fiction being produced today, combining savvy politics and a rich sense of history with complex characters, gripping storytelling, and much humor. (Perhaps one reason the series is popular with both libertarians and socialists is because the libertarians don't notice the socialist in-jokes, and vice versa.)

Acclaimed in the United Kingdom—*The Sky Road* won the British Science Fiction Association Award—MacLeod's novels have only recently begun to appear in the U.S. In August, a few weeks after Tor Books brought out an American edition of *The Sky Road*, I spoke with its author by telephone.

In a quartet of novels, MacLeod sets up several societies then lets them loose to compete, infiltrate each other, and come to terms with their internal contradictions.

Q: Your books owe a lot to the utopian tradition, but you seem to take a relentlessly anti-utopian approach to them. No matter how appealing one of your societies might be, it's going to have a dark side, or several dark sides.

A: I'm pretty much anti-utopian in that sense. The societies I present in a reasonably attractive light only exist in unstable configurations of outside forces. When the balance of forces change, they disappear or change themselves. So no final, stable society is postulated.

Q: Of the social systems you've described, do you find one more attractive than the others?

A: My lazy, selfish preference would go to the society in the far-future section of *The Sky Road*—that rather rural industrial Scotland, which is kind of an idealization of a part of the Highlands where I spent quite a bit of time when I was younger. I knew guys like [the workers in that book], who could do just about anything, who were very literate but also very practical.

Q: The ideological dialogue in the books, especially *The Cassini Division*, is between capitalist libertarians and anarchists of the left. But the Fourth International is a constant presence as well. Is that an in-joke, or do you see Trotskyism as somehow compatible with libertarian or anarchist currents?

A: Trotskyism is an offshoot of Bolshevism, which is not very libertarian, to say the least. But in the 1960s and '70s especially, it appealed to a lot of people who had a radical, anti-authoritarian impulse.

The oddest ideologies appealed to that generation. In some countries, Maoism became a very significant movement. In Finland, it was the [Stalinist] Communist Party: A lot of former New Leftists are now what they call "Old Stalies," who have shaved their beards and put on suits and become respectable.

Q: I take it you see the possibility of a socialist resurgence, if capitalism's stock starts going down again?

A: Yeah, I think that's a definite possibility.

Q: How likely would it be that a revived anti-capitalist radicalism would take on the old Marxist or Leninist garb, instead of a Green or populist or left-anarchist face?

A: I think that will vary from country to country, depending on how well the various groups that see themselves as Leninist have survived. In Britain, the largest groups to the left of Labor are in fact quite influenced by one form or another of Trotskyism. We even have a Trotskyist member of the Scottish Parliament, Tommy Sheridan, who's actually quite popular. He is the member of the Scottish

Ken MacLeod

Parliament for the Scottish Socialist Party, which is capable of contesting elections at least.

Q: So how sympathetic are you now to socialist ideas in general, and how much to libertarian ideas?

A: I think definitely more libertarian than socialist. I'm not entirely convinced on the question of whether a non-market economy is viable or not, but I haven't seen new evidence that it is. All the obvious problems of socialism that were raised in the 19th century by everybody from Bakunin to John Stuart Mill, Herbert Spencer, and so on—you can read all of these, and they all seem astonishingly prescient.

Where I disagree with a lot of libertarian rhetoric is the assumption that socialism is finished. Whether it's a good or bad thing, I don't think it's finished at all. I also don't think that the questions that gave rise to the socialist movement in the first place have gone away.

Q: What are the most pressing of those?

A: I suppose the most urgent one is the question of war. You get this glib libertarian argument that war has nothing to do with capitalism because war is the business of the state, blah, blah, blah. I think that's just nonsense. Even a minimal state is going to make trouble. We can see the outlines of future wars, even world wars, developing.

The other one is the persistence of poverty, and the persistence of economic crises. I think a lot of people who are libertarians now are just libertarians because the stock market is going up, frankly. As long as the market is booming, they'll be pro-market. If there was another depression or something like that, they'd probably change their tune pretty damn quick.

Q: You've said that each of the books in your series undermines the other ones.

A: Absolutely. *The Star Fraction* almost puts forward a conspiratorial interpretation of events, and in *The Stone Canal*, that's dismissed; all the events of *The Star Fraction* are alluded to in a passing paragraph. Jonathan Wilde, the hero of *The Stone Canal*, lives his entire life convinced that his socialist parents were wrong, and then comes back to a socialist Solar System in *The Cassini Division*. And finally, in *The Sky Road*, that world of *The Cassini Division* is, from the point of view of the characters, something to be fought against by any means necessary.

Q: *The Sky Road* seems to suggest that the anarcho-communist federation in *The Cassini Division* is guided by an artificial intelligence. That puts a different spin on the moral decision made at the end of *The Cassini Division*: It implies that you're not choosing between human beings and godlike artificial intelligences. You're choosing between two AI-directed societies.

A: Not many people have spotted that. The irony of *The Cassini Division* is that it's a war of one artificial intelligence against its rivals.

Q: You also seem to view the Greens more positively in *The Sky Road* than in the earlier books in the series. But they seem to be different Greens, because they don't ban technology or persecute scientists, let alone empty the cities like Pol Pot. Do you see them as the same group taking a different path, or essentially a different group altogether?

A: They are the descendants of the "barbarians" who appear in the other books, but they've been influenced in a more humanist direction, partly by some of the people involved and partly by the necessities of survival. *The Star Fraction* is full of venom against the "Green slime," partly because I was really, really pissed off at the time at people like animal rights terrorists and these "deep Greens"—in fact, I still am, I don't withdraw a single word against these people—but there are more humanist-oriented ecologically concerned people, and they become the foundation of the new society in *The Sky Road*.

Q: What's your next novel about?

A: My next novel, *Cosmonaut Keep*, is the beginning of a new series. Its start-off point is a rather different mid-21st century, where instead of Russia collapsing into a social black hole, which is the premise of the other four books, they actually get their act together and become an expansionist power again, under a notionally communist government, and then roll over Western Europe. So by the time the story starts, there's a European union from Vladivostok to Lisbon, and an America divided between isolationists and imperialists. The hero escapes from Europe with some information relating to a discovery the Russians have announced, a complex form of intelligent life within an asteroid. And the story escalates from there.

Jesse Walker (jwalker@reason.com) is an associate editor of REASON.

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Sen. Moynihan, Wet and Dry

By John J. Pitney Jr.

I once poured for Sen. Daniel Patrick Moynihan. And poured. And poured. The year was 1984, and I was a low-level aide for another lawmaker. Moynihan and my boss were on a charter flight to Albany to attend a conference on acid rain. My job was to sit in the jump seat behind Moynihan and keep his glass full of champagne. Moynihan kept me busy. When the flight landed, the senator darted toward a nest of reporters waiting in the terminal. "*This* will be a lively press conference," I thought.

It was, though not for the reason I thought. Moynihan's answers were as florid as his face, but they were utterly lucid and knowledgeable. This brief encounter left me with the suspicion that, like Winston Churchill and Frank Sinatra, Moynihan actually works better with some adult beverages in his bloodstream.

That's smart-alecky speculation, of course, but it may just solve a mystery. In his new biography of Moynihan, British journalist Godfrey Hodgson aspires to describe "the interplay between ideas and action" throughout Moynihan's life. In the light of the senator's much-vaunted public record, however, a careful analysis of the book reveals that the story is not about "interplay" at all. Moynihan's words have often diverged from his deeds. In fact, there are really two Moynihans: one with great insight into the limits of government and the booby traps of social policy, the other with an unstinting devotion to federal power and a lockstep liberal voting record.

Apropos of nothing in particular, I will call them Moynihan Wet and Moynihan Dry.

The Gentleman From New York: Daniel Patrick Moynihan, by Godfrey Hodgson, Boston: Houghton Mifflin, 480 pages, $35

Hodgson prefers narrative to intellectual history and thus provides little insight into the dual nature of Moynihan's intellectual character. After a placid early childhood, Hodgson tells us, Moynihan went through a painful period when his father abandoned his family to troubled circumstances in New York City. Moynihan Dry has often cited this experience in explaining his support for social programs.

Hodgson's narrative suggests that Moynihan Wet may have sprouted in the unlikely soil of the London School of Economics. In spite of its reputation as a nursery for Third World socialism, he says, the LSE actually employed some free market thinkers when Moynihan did graduate work there in the early 1950s. The account of the LSE influence is sketchy, however. Hodgson even quotes Moynihan as saying, "Nothing and no one at LSE ever disposed me to be anything but a New York Democrat."

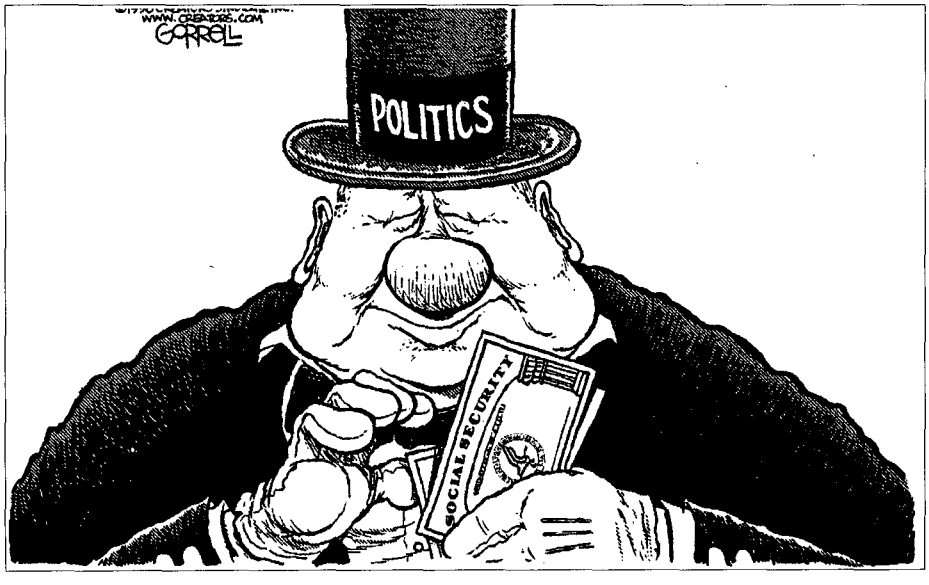
After serving as a top aide to New York Gov. Averill Harriman and completing a Ph.D. at Tufts in 1961, Moynihan became assistant secretary of labor in the Kennedy administration. When Lyndon Johnson became president, the capital got its first major taste of Moynihan Dry. With speechwriter Richard N. Goodwin, he drafted LBJ's historic 1965 address at Howard University, which helped lay the intellectual foundation for racial preferences by articulating equal outcomes as more important than equal opportunities: "[I]t is not enough just to open the gates of opportunity. All our citizens must have the ability to walk through those gates.... We seek not just freedom and opportunity—not just legal equity but human ability—not just equality as a right and a theory but equality as a fact and as a result."

The speech drew heavily on a report that Moynihan had written on the "pathology" of the black family. Liberals who believed in the power of government to right all wrongs were annoyed by the notion of "pathology" (though it would later become conventional wisdom) as an explanation for poor blacks' problems. When the report became public, Moynihan Dry, despite his call for government action to help blacks, found himself the target of liberal vilification.

Enter Moynihan Wet. By this time, he had left the Labor Department to run in the Democratic primary for president of the New York City Council. He lost. He would spend the next few years teaching, writing, and challenging the liberal orthodoxy he had recently championed.

In 1967 Moynihan Wet gave a series of lectures about "the war on poverty," which he later collected in a book, *Maximum Feasible Misunderstanding*. His summation of the fate of "community action" programs was bluntly skeptical: "This is the essential fact. The government did not know what it was doing. It had a theory. Or, rather, a set of theories. Nothing more."

In 1968 the well-known Democratic policy maker took the astonishing step of contributing to an anthology called *Repub-*



BOB GORRELL

lican Papers. Moynihan Wet sounded close to conversion. In his contribution, he wrote: "Somehow liberals have been unable to acquire from life what conservatives seem to be endowed with at birth, namely a healthy skepticism of the powers of government agencies to do good."

Moynihan Dry and Wet fought most over racial preference. In 1968 Moynihan wrote an article for *The Atlantic Monthly* titled "The New Racialism," which Hodgson unfortunately overlooks. Whereas Moynihan Dry had just advocated "equality of result," Moynihan Wet now grasped the unanticipated consequences: "That which was specifically forbidden by the Civil Rights Act is now explicitly (albeit covertly) required by the federal government. Employers are given quotas of the black employees they will hire, records of minority-group employment are diligently maintained, and censuses repeatedly taken."

Moynihan feared that the process would snowball. Trouble is, he wrote, ethnic groups will never have equal success in different fields because they value different kinds of success and excel at those they value most. "But government knows little of such variegations," he said, "and I very much fear that if we begin to become formal about quotas for this or that group, we will very quickly come to realize that these are instantly translated into quotas against." And then came the kicker: "Let me be blunt. If ethnic quotas are to be imposed on American universities and similarly quasipublic institutions, it is Jews who will be almost driven out."

Such comments drew the attention of Richard Nixon in his search for intellectual firepower for his incoming administration. Shocking the Democrats who still could remember Moynihan Dry's service in the previous administrations, Moynihan Wet signed on with Nixon as a domestic policy adviser. With proximity to power, though, Moynihan Dry returned. His major project was the Family Assistance Plan, a radical welfare overhaul that included a guaranteed annual income. Nixon embraced the plan and announced it in a nationwide address. The plan passed the House but died in the Senate. Moynihan Dry missed his biggest potential victory.

Hodgson attributes the bill's defeat to petty political infighting and Nixon's preoccupation with the Vietnam War. He misses the point. Though some observers at the time thought Moynihan's plan was a variation of Milton Friedman's negative income tax, it was something quite different. Rather than give cash assistance in place of social welfare programs, as Friedman had proposed, the plan would have been an addition to them—a massive expansion of the welfare state.

Martin Anderson, who served with Moynihan in the Nixon White House, wrote the definitive analysis of this plan in his book *Welfare* (oddly absent from Hodgson's endnotes). According to Anderson, Democratic Sen. Russell Long of Louisiana figured out that the plan would not only explode the budget but also discourage welfare recipients from working. "How do you justify that?" he asked an

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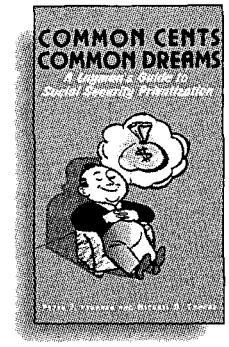

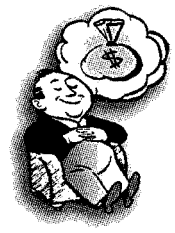

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administration witness at a Senate hearing. "What possible logic is there to it?" The witness had no answer.

After this fiasco, Moynihan turned to foreign policy, first as ambassador to India, then as the U.S. representative to the United Nations. In 1976, he ran for the U.S. Senate against conservative incumbent James Buckley. He won by attacking Buckley's "extremism" and reluctance to back a federal bailout for New York City. Still, some hoped that the occupant of the Senate seat would turn out to be Moynihan Wet instead of Moynihan Dry.

Not a chance.

Year after year, vote after vote, Moynihan endeared himself to labor unions and

"The government did not know what it was doing," Moynihan once wrote. "It had a theory. Or, rather, a set of theories. Nothing more."

the Washington establishment. In 1990 *Congressional Quarterly*'s reference book *Politics in America* reflected on his career. On most domestic issues, his entry read, "Moynihan has been less intent on rethinking fundamental questions than on lining up emotionally with liberal Democrats in support of preserving the New Deal or the Great Society."

Some of his colleagues saw a touch of cynicism, the report went on, "since they remember when he was identified as a critic of these ideas." Perhaps this assessment is unfair. Did his split personality reflect genuine ambivalence rather than crass political pandering? Hodgson occasionally alludes to this question without resolving it.

Moynihan Wet made occasional appearances but never came close to erasing the record of Moynihan Dry. In 1999 and 2000, he won a good deal of press—as well as praise from Republicans—for supporting partial privatization of Social Security. A small step in the right direction, perhaps, but he would have left the program's basic structure in place. Moreover, Moynihan Dry had not been above playing demagogue on the issue. In 1981, after Reagan budget director David Stockman had proposed some modest cuts, the senator introduced a resolution condemning the idea as "a breach of faith with those aging Americans who have contributed to the Social Security system."

During a 1995 visit to Arizona, Moynihan Wet offered a faint echo of his 1968 piece on racial preference: "There's a tendency to get more and more groups involved, and...when there are people who will take advantage, you'll end up with unanticipated consequences." That same year, the Senate considered a measure forbidding ethnic and gender preferences in contracting by the legislative branch. Moynihan Dry voted to kill it. Three years later, he voted the same way when Republican Sen. Mitch McConnell of Kentucky offered an anti-preference amendment to a transportation bill.

The old skepticism of *Maximum Feasible Misunderstanding* briefly resurfaced in 1993, when the incoming Clinton team began making pronouncements on welfare. Moynihan wrote that he had been "repeatedly impressed by the number of members of the Clinton administration who have assured me with great vigor that something or other is known in an area of social policy which, to the best of my understanding, is not known at all." After this flash of Moynihan Wet, Moynihan Dry became a rabid opponent of welfare reform. Literally speaking of an "apocalypse," as Hodgson recounts, he foresaw "children on grates, because there's no money in the states and cities to care for them."

Nothing of the sort happened, of course, which undercuts Hodgson's description of the senator as a "prophet." The comment also points to a problem that plagued Moynihan throughout his career: His affection for the well-turned phrase often trumped prudence and careful thought.

Take the Moynihan Report of 1965. The notion of family pathology was sensitive enough, but then he had to add this line: "The very essence of the male animal, from the bantam rooster to the four-star general, is to strut." In 1994 a Senate hearing on childbearing by the very young took a strange turn when he remarked: "I mean, if you were a biologist, you could find yourself talking about speciation here," that is, the creation of a new species. "It has something to do [with] a changed condition in biological circumstances."

Such lapses may have diminished Moynihan's political effectiveness. Given the dominance of Moynihan Dry in the public record, that's probably all to the good. Still, as the "gentleman from New York" retires from public life at the end of this Congress, one must look to the close of his career with a twinge of regret: Moynihan Wet would have made one hell of a senator.

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Marxist Rebellion

By Steve Kurtz

Salvador Dali loved the Marx Brothers so much he wrote a screenplay for them. Called *Giraffes on Horseback Salad*, it was pure surrealism: mirrors with holes in them, musicians with roast chickens on their heads, Groucho ordering Harpo to round up dwarfs, Chico installing indoor rain, etc. Actually, artists and intellectuals have always been big fans.

Groucho: The Life and Times of Julius Henry Marx, by Stefan Kanfer, New York: Alfred A. Knopf, 465 pages, $30

Monkey Business: The Lives and Legends of the Marx Brothers, by Simon Louvish, New York: St. Martin's Press, 471 pages, $25.95

George Bernard Shaw called them his favorite actors. T.S. Eliot wrote gushy fan mail. James Joyce refers to them (apparently) in *Finnegans Wake.*

At the same time, the Marx Brothers were popular with a mass audience. They were a top vaudeville act that eventually hit it big in Hollywood. You don't achieve that sort of popularity by being highbrow, and you certainly don't by performing scripts from Salvador Dali. So how did these brothers, growing up poor on the streets of New York in the 1890s, become internationally known comic characters who have made all types of people laugh for almost a century now?

Two new books, Stefan Kanfer's *Groucho: The Life and Times of Julius Henry Marx* and Simon Louvish's *Monkey Business,* attempt to answer this question. In doing so, they help explain the enduring appeal of the Marx Brothers. While most comic characters just try to fit in, here was a group tapping into the deeply American strain of anti-authoritarianism, expressing contempt for prestige and privilege, living by their own lights.

It is one of the great show biz stories of the 20th century. One by one, in the early 1900s, the brothers were pushed onto the stage by their mother, Minnie. First Julius (Groucho), then Milton (Gummo, who never appeared in their movies), then Adolph (Harpo), then Leonard (Chico), and finally Herbert (Zeppo). Starting as a musical act, they began to incorporate comedy and within a decade were one of the funniest, wildest turns in vaudeville.

They did dialect humor: Groucho had a German accent, Chico an Italian one, and Harpo an Irish brogue. Harpo eventually realized he was funnier saying nothing, and Groucho ditched his character after the *Lusitania* was torpedoed. Bit by bit, they developed the characters for which they would become famous: Groucho, the fast-talking con man with the loping walk; Chico, the amazingly dense Italian with larceny in his heart; and Harpo, the crazed mute who'd chase blondes and steal silverware. There was no master plan—if it got a laugh, they kept it in. Ultimately, they were able to transcend the crazy comedy tradition of vaudeville they started out in.

In 1922, following years on top, the Marx Brothers' careers were suddenly in jeopardy after they toured England without the official permission of the powerful Edward Albee, the vindictive head of the Keith-Orpheum vaudeville circuit. The Marxes were saved, however, when Chico found a backer for a Broadway show. The brothers had doubts that they were ready for this venue, but when they opened the musical comedy revue *I'll Say She Is* in 1924, these veterans were discovered by the top newspaper critics. For the rest of the decade, they were the toast of Broadway, starring in two more hits, *The Cocoanuts* (1925) and *Animal Crackers* (1928), both tailored to their talents by top comedy writer George S. Kaufman (with Morrie Ryskind).

In 1929, they broke into movies with an adaptation of *The Cocoanuts* and were an immediate smash. They made a movie a year through 1933, next filming *Animal*

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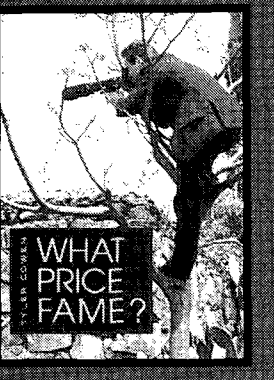

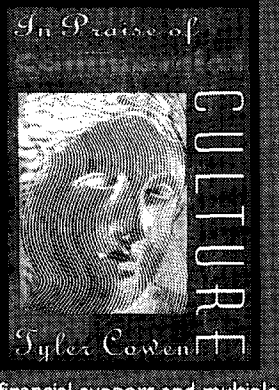

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On the set of *A Night at the Opera*

Crackers, followed by three written directly for the screen: *Monkey Business*, *Horse Feathers*, and *Duck Soup*—the purest Marxian films. All were hits except *Duck Soup*. Unfortunately, this was the last film on their contract with Paramount, and the studio let them go.

It looked like they were in trouble again, but the most powerful producer in Hollywood, the talented but conventional Irving Thalberg at Metro Goldwyn Mayer, saved them. He liked their films but thought they were too anarchic. He told them he could make them twice as effective with half as many laughs. Their first film at Hollywood's biggest studio turned out to be one of their best, *A Night at the Opera* (1935). They brought back Kaufman to help with the script and tried out scenes at live shows to perfect the lines and timing. The brilliance of the comedy in *Opera* somewhat obscures that this is a new Marx Brothers. They've been tamed, made more sympathetic. Worst of all, they actually seem to care if the sappy romantic leads get together. But Thalberg's formula worked, and the film was their biggest hit yet.

They followed it up in 1937 with the weaker but still good *A Day At the Races*. This was an even bigger hit. But during production Thalberg died. MGM never handled the Marx Brothers as well again, shunting them off to worse writers, giving them lower budgets, and making their characters even sappier until they called it quits with *The Big Store* (1941). While they made a few comebacks, and Groucho went on to even greater fame as a TV quiz show host in the 1950s, the Marx Brothers as a great comedy unit was essentially spent.

This is the tale at the heart of both *Groucho* and *Monkey Business*. Though Kanfer and Louvish are hardly the first to tell it—there are scores of books on the Marx Brothers, and Joe Adamson's out-of-print 1973 study *Groucho, Harpo, Chico, and Sometimes Zeppo* is still probably the best of the bunch—both authors have produced worthwhile accounts.

Kanfer and Louvish dig up interesting new information, though Kanfer weaves it better into his tale. For instance, he reveals the original endings to *Monkey Business* (it was supposed to be in a brewery) and *Horse Feathers* (the Brothers would calmly play cards as their college burned down), which were apparently never filmed due to budget constraints. He also definitively puts to rest the sentimental family claim that Minnie was the mastermind behind their success. She helped start them out, but once they'd been up and running for a while, they controlled their own careers.

Unfortunately, Kanfer gets bogged down in psychological explanations. Perhaps Groucho was jealous of all the attention showered on his older brothers, but that doesn't explain much about his turn to comedy. Harpo, after all, apparently had a much happier life than Groucho, but both turned out to be brilliant clowns. Perhaps Groucho would have preferred to be a doctor instead of an actor, as Kanfer speculates, but that was never a serious possibility for this 1890s street urchin, and it's hard to believe he would have spent years performing in dives and living in flophouses if he didn't really want to do it. Similarly, perhaps aggressive clowns played well to audiences during the Depression, but the Marx Brothers made people laugh just as much during World War I and the Jazz Age.

Louvish is in the end the better researcher, uncovering even more unknown tidbits than Kanfer. But Louvish's book suffers from the same problem as did his previous one on W.C. Fields: He basically takes all the facts he's unearthed and dumps them in your lap. There are numerous interesting nuggets, but it's quite a slog to get to them. Furthermore, he occasionally makes simple mistakes that give one pause—for instance, he states the wrong release date for *A Day at the Races* and claims George Gershwin won a Pulitzer Prize for *Of Thee I Sing* while Ira Gershwin wrote the music (he's got the wrong brother in each instance). And Louvish's stabs at humor consist of bad puns and heavy-handed whimsy.

Nevertheless, there's plenty of interest here, especially the useful debunking of legends. Take the mythical day in Nagadoches, Texas. In 1909 the brothers supposedly were doing their musical act when a mule started acting up outside. The whole audience ran out to see the commotion and upon drifting back into the theater encountered a different act: Angry at being upstaged, the boys unleashed their unique brand of delirious humor for the first time. Louvish documents that they'd already been incorporating comedy for quite a while. He also uncovers interesting information about their film careers, including excerpts from script drafts, a discussion of their fight with the new management at Paramount in 1932, and an in-depth look at all the work that went into creating their first two MGM films. He even gives half a chapter to Groucho's

most famous on-screen foil, Margaret Dumont, who, it turns out, was seven years older than claimed.

Louvish is also the first writer I'm aware of to satisfactorily answer what might be called the *Duck Soup* question. This film, now considered their masterpiece, was also their first financial failure. Why? It turns out that it wasn't in fact a big flop, just a falling off from previous receipts. A series of films often gets more and more expensive while the box office take starts going down. Even the most popular series of films in the 1930s, the Fred Astaire and Ginger Rogers musicals, was losing money by the last two. *Duck Soup*, the brother's fifth and final film at Paramount, simply followed this common progression.

While both books are useful additions to a Marx Brothers library, neither in the end really gets under the skin of this team. The Marx Brothers were great, or they wouldn't be worth so much ink. But if one hasn't seen them already, these books won't explain what makes them great. (To those who don't think they're great, I can only say stop reading, because you can't convince someone what's funny through argument.)

The Marx Brothers' approach is rare, almost unique, in comedy. Most great clowns play the underdog: Chaplin and Keaton have to overcome great odds to win the day, and even W.C. Fields is usually put upon, often playing a simple man with an awful family. The Marx Brothers burst this convention, as they do so many others. In *Monkey Business* they're stowaways on a liner. The usual comic strategy would be to avoid the authorities at all costs. Not the Marx Brothers. While the others are running wild, Groucho is busy upbraiding the captain for the poor accommodations.

No other comedians attack with the full force of the Marx Brothers. They're a comic assault. At their best, they're nothing but laughs coming at you in waves—it's almost impossible to catch all their jokes in one viewing. The humor hits all the bases—they're silly enough to be enjoyed by children but deep enough to be quoted by philosophers. If we side with them, it's not because they ask for sympathy but because their targets—especially stifling, mindless convention—are our targets. The Marxes are the most liberating of clowns.

If there's one word that best sums up their approach, it's *effrontery*. Consider Groucho. The films often start with Groucho assuming a position of responsibility and openly stating he intends to overthrow accepted traditions while defrauding people. Groucho has funny lines, of course, but it's more than that. It's the cascade of words that make him what he is. Long strings of jokes that double back on themselves, insults that dissolve into non sequiturs, insurmountable problems shrugged off as insignificant, asides to the audience, intentional literal-mindedness just to cause trouble. The torrent he releases leaves one in a world where there's no clear place to stand—speech as a means of imparting information is itself called into question.

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Meanwhile, equally talented brother Harpo creates the same effect without saying a word. His ridiculous appearance, with horn, baggy clothes, and fright wig, is already an insult. He (literally) chases women, makes faces, steals anything (even birthmarks), and sleeps with horses. When a bum asks for coffee, he has a steaming cup ready in his voluminous coat. When a cop shows him his badge, Harpo, unimpressed, shows him numerous badges of his own. He tears up telegrams because he can't read. Most important, his signature characteristic—he doesn't speak—is itself effrontery. Keaton and Lloyd spoke in their silent films; we just couldn't hear them. Harpo is the only major clown who works silent in honest-to-goodness talkies. It's more a matter of stubbornness than anything else.

The Marx Brothers question the very idea of authority. Their comic existence makes absurd the concept that someone is owed deep respect because of a title or a degree.

Finally, there's Chico, perhaps the least funny brother but also the most perverse. He seems to be intentionally stupid, as if he's denying reality because it doesn't fit in with his plans. But more than this, his character alone is an insult. If all the Marxes did dialect comedy, they'd be a dated act. But while his brothers have long since moved on, he's still doing Italian, for no discernible reason. Whatever connection it once had to vaudeville, his persona has become unmoored. Rarely in their movies is his Italian ancestry referred to, or made a plot point (in fact, in *Animal Crackers* his phony background is openly mocked). But that doesn't stop him from chattering away in his ridiculous accent: "Atsa fine, boss."

The Marx Brothers created, refined, and embodied characters that still touch a chord—we can't be this outrageous in life, so it's good to have champions doing it for us. The Marx Brothers aren't merely satirizing high society or education or government; they're questioning the very idea of authority. Their comic existence makes absurd the concept that someone is owed deep respect because of a title or a degree. Expectations are constantly overturned, clichés are mocked, and social conventions are laughed off as not worthy of serious attention.

Other comedies end in certain predictable ways: Buster Keaton gets the girl, and Chaplin shuffles down another lonely road. But since the whole concept of a Marx Brothers film is that nothing in it matters, there is no "correct" way for it to end. To be sure, this turns off a certain type of viewer. The brothers offer no story to carry us along; their films live or die minute by minute on their material and their personalities, which are too aggressive for some. When Harold Lloyd makes a college football film, there's an hour of deep humiliation before the climactic game where Harold turns everything around and wins the day. *Horse Feathers* ends with a football game too, but since nothing preceding it really meant anything, there's nothing riding on the outcome. The Marx Brothers certainly don't care—they win by cheating outrageously. The exultation comes not from their victory, but from their admission that these things don't really matter anyway.

They inspire, then, the laughter of ultimate liberation. Most comedy plots are about an imbalance in the world being set right. The Marx Brothers see through this—there's no correct balance to begin with. They don't need the approval of the world to create meaning, instead creating meaning themselves. In *Duck Soup*, they fight for their country but switch sides as the mood strikes them. In the end, they win the war by pelting the foreign ambassador with fruit. Victory is declared, and Margaret Dumont breaks out into the national anthem. So they pelt her with fruit as well.

After a Marx Brothers film is over, we stumble out of the dark into the real world. At least for a little while, we can remember how we felt liberated from the mindless conventions all around us. And we can carry a little of that craziness with us, to help keep us sane. Surrealists such as Salvador Dali mistook the Marx Brothers for one of their own because they thought the team represented freedom from logic. But that's got it backward: They stand for freedom from nonsense.

Steve Kurtz is a writer based in Los Angeles.

Trade Winds

By Brink Lindsey

At last—a sensible book about globalization. International economic integration is a phenomenon drowned in hype: Cheerleaders talk breathlessly of a world without borders, while doomsayers rage against the supposed tyranny of uncontrolled market forces. John Micklethwait and Adrian Woolridge, two reporters for *The Economist*, have succeeded in cutting through both sides' bombast. In their engaging and clearheaded guide to the shrinking of the planet, they show that different parts of the globe are shrinking at very different rates and that the whole process has a long, long way to go.

However fast they have grown, international markets remain the exception rather than the rule in contemporary economic life. Analysts at the renowned consulting firm McKinsey have estimated that only about 20 percent of world output is currently subject to global competitive pressures. Even when they are allowed to operate, the forces of global competition are much more attenuated than most of us think. In that connection, Micklethwait and Woolridge cite an eye-opening study of Canadian trade patterns. Canada and

A Future Perfect: The Challenge and Hidden Promise of Globalization, by John Micklethwait and Adrian Woolridge, New York: Crown Publishers, 386 pages, $27.50

the United States boast the world's largest bilateral trading relationship. A common language and strong cultural ties link the two countries. Tariffs have been eliminated by a free trade agreement. And still, trade between Canadian provinces is 12 times greater than trade between provinces and American states, after correcting for differences in the trading units' size and distance. The bottom line: National borders still matter a great deal.

Despite all the loose talk about their imminent demise, the nation-states that defend those borders are still very much alive and kicking. The authors point to the experience of their native Great Britain, where from 1979 to 1997 Conservative governments strove to limit the size of the bloated public sector. In the end, all they managed was to budge government spending from 43 percent of gross domestic product down to 42 percent.

In the United States, Microsoft's travails reveal the fatuousness of the claim that governments are powerless in the face of footloose capital. "Companies are much less mobile than people believe," Micklethwait and Woolridge remind us. "One reason why the federal government can harass Microsoft is because it knows that the computer company will not move elsewhere."

The Internet, with its contempt for distance and its resistance to top-down control, makes an appealing metaphor for the rapidly integrating world economy. But it is a deceptive one if taken too literally. Those of us under constant e-mail bombardment may think our plight a universal one, but half the world's 6 billion people have yet to place their first phone call. Two-thirds of them still survive by tilling the soil. The world economy, considered as a whole, remains more preindustrial than postindustrial. Micklethwait and Woolridge perform a valuable service by making clear that globalization, far from an accomplished fact, is a process only just getting under way.

Though they debunk globaloney in both its triumphalist and apocalyptic variants, Micklethwait and Woolridge are by no means neutrals in the raging globalization debate. They mount a stout defense of international markets—a defense that is all the more effective because it is not Panglossian. Globalization has not benefited everybody, they frankly acknowledge. They divide the unfortunate into three broad categories: the "has-beens," who work in declining and no longer competitive industries; the "storm damage," who are rocked by the volatility of international finance; and the "nonstarters," the desperately poor who have yet to be touched by global wealth creation.

But it is wrong, they argue, to focus only on the losers when the winners so greatly outnumber them. "Deng Xiaoping's decision to open China's economy in 1978," they recall, "helped some eight hundred million peasants more than double their real incomes in just six years, arguably the single greatest leap out of acute poverty of all time." Meanwhile, the cure for what ails most of the world's suffering billions is not less globalization but more: "The only places where the losers massively outnumber the winners are in countries, such as Cuba, that have shut the door on globalization completely."

"The only places," write the authors, "where [globalization's] losers massively outnumber the winners are in countries, such as Cuba, that have shut the door on globalization completely."

Micklethwait and Woolridge strengthen their brief for globalization by putting the phenomenon in historical context. It is a task that doubtless comes naturally to writers for *The Economist*. Their magazine, after all, was launched in 1843 to campaign for the repeal of Great Britain's protectionist Corn Laws. The success of that campaign three years later secured British commitment to free trade and thereby laid the political foundations for the world's first great episode of globalization—the dramatic expansion of trade and investment flows worldwide during the decades prior to World War I. As Micklethwait and Woolridge note, the extent of international economic integration a century ago, though on the whole less than now, was impressive nonetheless.

But the initial burst of globalization did not last. It was destroyed by the outbreak of World War I and the ensuing calamities of totalitarianism, the Great Depression, and World War II. In the postwar era international trade gradually resumed and expanded, but a truly global economy remained an impossibility: The communist nations sealed themselves off from international markets, as did much of the Third World. It is only in the past couple of decades—with the opening of China, the fall of the Soviet empire, and the abandonment by many developing countries of isolationist "import substitution" policies—that a global division of labor has reasserted itself.

Micklethwait and Woolridge cleverly encapsulate what they call "the fall and rise of globalization" by reviewing the twists and turns of John Maynard Keynes' pos-

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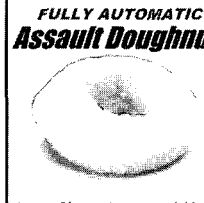
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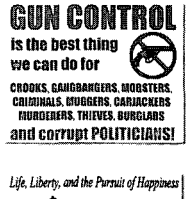
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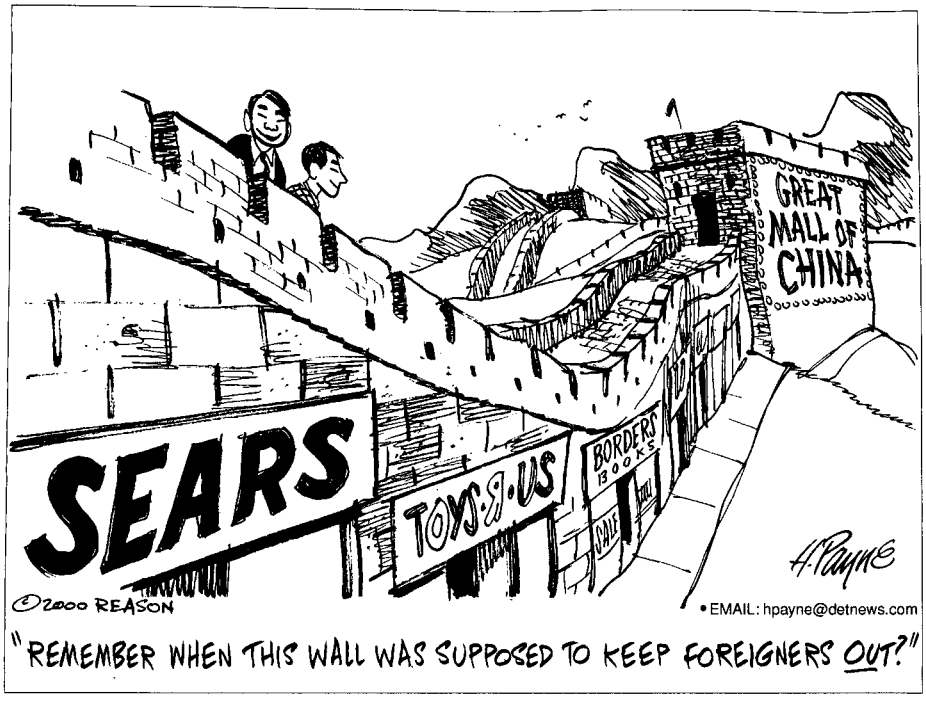

ture toward the international economy. Keynes burst onto the scene in 1919 with his *The Economic Consequences of the Peace*, in which he rhapsodized about the prewar international order and warned (correctly) that the draconian provisions of the Versailles treaty were antithetical to the reestablishment of that order. By 1933, Keynes' faith in the possibility of a stable, peaceful international system was so badly shaken that he called for a turn toward "national self-sufficiency." "I sympathise," he wrote, "with those who would minimise rather than maximise economic entanglements between nations."

Yet by 1944 Keynes' faith was sufficiently restored that he played a leading role in creating the Bretton Woods institutions (the International Monetary Fund, the World Bank, and the General Agreement on Tariffs and Trade). Those bodies, for all their flaws, provided a framework for restoring "economic entanglements," at least among the nations of what came to be known as the Free World. What we call globalization today has resulted in large part from the collapse of the communist and Third World alternatives to that Free World international order.

This historical background puts the world economy in a very different light than the one that colors most people's understanding. Globalization is commonly portrayed, by friends and foes alike, as a process whereby market forces—turbocharged by the microchip and the Internet—inexorably bend weakened governments to their will. But until relatively recently, most people in the world lived under governments that flatly rejected the verdicts of the marketplace. Why do they now pay attention? Yes, new information and communications technologies allow markets to operate more effectively, but that hardly matters when governments ban markets from operating at all. Why did many of them stop doing so?

The fact is that alternatives to markets —namely, central planning in various guises—were tried and found wanting. The common contention that markets are causing the retreat of the state is thus less true than the reverse: The collapse of statist policies has allowed market relationships to be restored. The enemies of globalization who rail against supposedly unchecked markets need to be reminded why those checks are being slowly but steadily removed: They were an unmitigated disaster for the billions of people subject to them.

To their credit, Micklethwait and Woolridge do not restrict their defense of globalization to narrow economic grounds. "Arguing that globalization is, on balance, not a bad thing and showing that it has generally enriched the world economically is certainly valuable," they write. "But the same could also be said for the lavatory or the lemon squeezer." They go beyond dollars and cents to make the case that globalization expands human liberty.

First, the authors trace the connections between economic openness and broader freedoms. In one evocative example, they recount how British capital controls during the 1960s imposed a travel allowance that severely restricted citizens' ability to travel abroad—an intrusion on personal liberty that would be considered beyond the pale today. "It is not coincidental that the pace of globalization has picked up with the spread of democratic rights," they note; "the two are symbiotic."

Micklethwait and Woolridge then go further to argue that globalization, by overcoming the "tyranny of place," deepens and enriches the exercise of individual freedom. Here they turn the tables nicely on communitarians like John Gray who bemoan globalization's assault on "the blessings of a settled identity." "John Gray himself," they respond, "happily abandoned the Newcastle working class into which he was born for the metropolitan intelligentsia. One of the many benefits of globalization is that it increases the number of people who can exercise Gray's privilege of fashioning his own identity."

The topics covered in this fine book range far beyond those I have touched on in this review. Among other highlights are intelligent discussions of the "failure of global government," the spread of American popular culture, and the currently modish anti-globalization backlash. If the book has a weakness, it is that the authors fail to bring the wide variety of subjects addressed within any overarching analytical framework. They sound some general themes but do not sustain them. As a consequence the book reads more like a series of set pieces than an integrated whole. But for someone interested in a smart and often witty overview of globalization in all its nebulous dimensions, *Future Perfect* makes for excellent one-stop shopping.

Contributing Editor Brink Lindsey (blindsey@cato.org) is the director of the Center for Trade Policy Studies at the Cato Institute.

HENRY PAYNE

NATIONAL REVIEW ONLINE

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Ich Bin Ein Action Figure

This fall, Hasbro unveiled the latest addition to its line of G.I. Joe dolls, the "John F. Kennedy PT-109 Boat Commander" action figure. JFK thus joins two other commanders-in-chief, George Washington and Dwight Eisenhower, in being so honored.

In marketing what has been called a "respectful, tasteful figure" by the guardians at the Kennedy Library Foundation in Boston, the toy maker is doing more than simply commemorating the 35th president's legendary service during World War II, already the basis of a best-selling book and a popular movie during Kennedy's own presidency. It is providing yet another image of JFK for public consumption, and one sharply at odds with the seamier sides that have come to light in recent years.

AP / WIDE WORLD PHOTOS

Indeed, the main reason JFK continues to command attention is that his various identities seem both inexhaustible and incompatible, to champion and detractor alike: bootlegger's son, Harvard man, World War II hero, feckless junior senator, cutthroat politician, civil rights champion, Cold Warrior, liberal, tax-cutter, Rat Packer, family man, womanizer, martyr—the list is virtually endless. Even, perhaps especially, in death, JFK is many things to many people.

No wonder, then, that Hasbro has high hopes for sales. "The current plan," the head of the doll's design team told the press, "is to do another John Kennedy figure in the fall of 2001." **—Nick Gillespie**

The Remarkable Prosperity of College Graduates

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Americans have done well in the past decade, but college graduates have really cleaned up. Between 1990 and 1998 (the last year reported by the government), BA holders' earnings rose by 18 percent after adjustment for inflation. People with graduate degrees did even better: 25 percent higher earnings over the eight years, after inflation. High school graduates without college, at the same time, saw earnings increases of only 11 percent after inflation. The financial payoff to a college education and to graduate training rose to an all-time high. The benefits go to those who actually finish college and receive a BA—there has been no sharing of the bonanza by those who receive two-year AA degrees or drop out of BA programs. Because college graduates were already at the top of the earnings distribution, the widening of the education gap contributed to the general rise in economic inequality noted during the decade.

What do college graduates do that puts them on the earnings escalator? The industries that hire large fractions of college graduates are technology users. They include business and engineering services, financial institutions, and the chemical industry. All these industries have workforces that are at least 25 percent college graduates. The most college-intensive industry is securities trading, where 58 percent of all workers have graduated from college.

Industries where college graduates have little role are decidedly low tech: restaurants, hotels, mining, and basic manufacturing, including paper, steel, lumber, and food. College graduates are 7 to 15 percent of the workforces of these industries.

The 1990s were the decade when the stock market rewarded technology. Although the most famous examples of big increases in technology stock prices were for technology producers—Cisco, Microsoft, Sun Microsystems—there were also huge increases in the value of technology-using firms. **There is a striking relationship between college intensity and stock market return in the 1990s.** Low-tech firms—those with less than 15 percent college graduates in their workforces—averaged annual returns of 16 percent over the decade, not far above historical averages for the market. High-tech firms with 25 percent or more college graduates averaged a stellar 25 percent per year. A dollar invested in 1990 in low-tech industries, defined in this way, became $4.40 this year, while a dollar invested in high-tech, college-intensive industries became $9.30, more than twice as much.

Technology-using industries have been good to their workers—mostly college graduates—and good to their shareholders. Along with the technology-producing electronics and software industries, they were dynamos of the economy.

It is unlikely that investors will earn such high returns in the coming decade. The fabulous bull market for technology makers and users has already cooled off, especially for Internet companies. But the message is durable that college matters. College graduates are the architects of the new economy, and they have been amply rewarded for that role.

— Robert E. Hall

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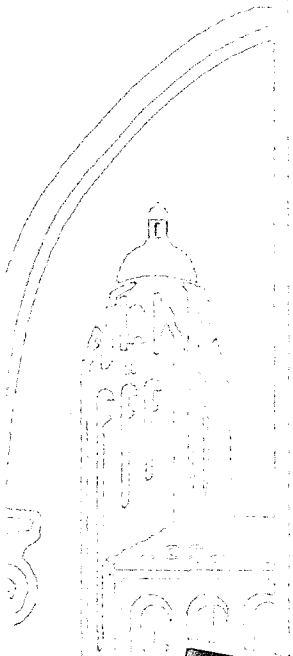

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